Par. 8.2.1.1.52
836

Thursday,
3rd December, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (Inland)
Price Two Shillings (Foreign)

[illegible] 24.11.20

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Thursday, 3rd December, 1953

The House met at Half Past One of the Clock.

[MR. SPEAKER *in the Chair.*]

ORAL ANSWERS TO QUESTIONS

SPECIAL COMPLAINTS ORGANISATION

***550. Shri S. N. Das:** Will the Minister of **Communications** be pleased to state:

(a) whether the working of the Special Complaints Organisation which was set up at the end of 1947 has been reviewed and re-examined;

(b) if so, whether this Organisation has been accepted as a permanent part of the Department; and

(c) what is the present framework of the Organisation and its strength in the various circles?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) No, but a complaint organisation in a modified form is being retained.

(c) A statement containing the required information is placed on the Table of the House. [*See* Appendix III, annexure No. 28.]

Shri S. N. Das: May I know the important points that have emerged from the review and examination of the working of this body?

Shri Raj Bahadur: One of the important points that has emerged and about which Government is also convinced, is that the organisation has moved its utility and it has, of course, built up the morale of the services on the one hand and satisfied people who bring in complaints on the other.

Shri S. N. Das: May I know, Sir, the average number of complaints received by this organisation and the average number of monthly disposals?

Shri Raj Bahadur: The number of complaints directly disposed of by the organisation I will not be able to give. The total number of complaints which are being specifically dealt with under the supervision of this organisation are here—that means, it controls them in some measure and looks into them.

Year	Balance pending from previous year	Complaints recd. during the year	Disposed of during the year	Complaints pending
Sept. '50 to August '51	65,504	417,211	433,154	49,561
Sept. '51 to August '52	49,561	409,413	419,017	39,957
Sept. '52 to August '53	39,957	408,990	414,918	34,029

'I have referred to this because this, organisation has to look into the root causes also of the complaints and has to devise ways and means by which such root causes can be eliminated.

Shri S. N. Das: May I know whether this organisation has been instrumental in decreasing the number of complaints?

Shri Raj Bahadur: That is obvious from the figures. In September, 1950 the balance pending from the previous year was 65,504. The balance at the end of 1953 is 34,029. The incidence has also dropped a little. This is however, not very significant.

SHIPPING

*551. **Shri S. N. Das:** (a) Will the Minister of **Transport** be pleased to state the extent to which Indian Trade has utilised Indian shipping services in the years 1951, 1952 and 1953?

(b) Is it a fact that Indian shipping services are not fully utilised by Indian traders?

(c) What percentage of our total imports were shipped f.o.b. and what percentage of our exports were shipped c.i.f. during the years 1951, 1952 and 1953?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 29.]

(b) From such information, as is available with Government, it appears that Indian traders are utilizing the Indian shipping services as much as possible.

(c) It is not possible to give the actual information asked for as the entire import trade in Indian Trade Statistics is recorded on a c.i.f. basis while exports are recorded on a f.o.b. basis.

Shri S. N. Das: May I know whether it is a fact that Indian traders are not using Indian shipping to as much extent as is necessary and thereby the Indian shipping is suffering a great deal and losing?

Shri Alagesan: As I said, from the information that is available to us, we come to know that they are using Indian shipping as much as possible except, perhaps, in cases where the ships are not ready at the exporting ports.

Shri S. N. Das: May I know whether the import control apparatus is helping in any way Indian shipping by giving concessions to those importers who use Indian shipping?

Shri Alagesan: The import and export control apparatus has not been purposely utilised for this purpose lest it should have very unfavourable reactions *vis-a-vis* other countries.

Shrimati Renu Chakravartty: Could any figures be given as to how far below capacity we are now using Indian shipping?

Shri Alagesan: I have got a statement here which gives the number of sailings over the past six months period and the quantity per sailing. That shows that Indian ships went very satisfactorily loaded from Indian ports.

Dr. Lanka Sundaram: May I know whether Government have legislative or administrative power to induce Indian shippers to use Indian bottoms?

Shri Alagesan: No, Sir. We do not have such a legislative sanction, but they are expected to use Indian bottoms.

Dr. Lanka Sundaram: May I know Sir......

Mr. Speaker: I am going to the next question.

JAPANESE CABLE INVESTIGATION COMMITTEE

*552. **Shri S. N. Das:** (a) Will the Minister of **Communications** be pleased to state whether the report of the Japanese Cable Investigation Committee has been considered by Government?

(b) If so, what action has been taken thereon?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The Report of the Japanese Cable Investigation Committee is under consideration.

JUTE RESEARCH FARMS

*553. **Dr. Ram Subhag Singh:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether Government propose to open jute research farms in jute producing areas as was recently suggested by the Indian Central Jute Committee?

(b) If so, how many farms are likely to be established?

(c) Where will those farms be established and when?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) to (c). Certain proposals made by the Committee on this subject are under the consideration of the Government of India. No final decision has been taken in the matter.

Dr. Ram Subhag Singh: How many jute research centres exist at present in the jute growing area of the country?

Shri M. V. Krishnappa: They have suggested six centres to be opened.

Dr. Ram Subhag Singh: I want to know whether any jute research centre exists at present or not.

Shri M. V. Krishnappa: Our main centre is in Barrackpore, but that is under the Central Jute Committee.

Dr. Ram Subhag Singh: May I know whether it is a fact that despite the advice given by this jute research centre, the overall production of jute acreage is going down every year?

Shri M. V. Krishnappa: They have suggested to us only the starting of some research *cum* development centres and regarding the other details I have no figures.

Shri L. N. Mishra: May I know whether the proposed research farms will be on the same lines as exist in certain parts of Bihar and Bengal, or on different lines?

Shri M. V. Krishnappa: They will be different, research *cum* development. About 50 villages will be attached to each centre and the results of the research will be put in practice in these villages.

Shri V. P. Nayar *rose—*

Shri L. N. Mishra: Who will meet the cost?

Mr. Speaker: Mr. Nayar.

Shri V. P. Nayar: What will be the number of scientists who will be working in this scheme?

Shri M. V. Krishnappa: That is not known now. The entire scheme is still under consideration.

Shri V. P. Nayar: What I wanted to know was whether there was any proposal......

Mr. Speaker: Order, order.

MALDIVES

*554. **Dr. Ram Subhag Singh:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether the Government of Maldives have approached the Government of India for help to tide over her food difficulty?

(b) If so, have the Government of India rendered any help in that regard?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes, Sir.

(b) The Government of India offered to meet their requirements but so far the Government of Maldives have not availed of it.

Dr. Ram Subhag Singh: May I know whether the Government of

India offered to meet the requirements of that Government on a loan basis or did they offer to give the foodgrains free?

Shri M. V. Krishnappa: Our proposal was to give them the grains on a no-profit no-loss basis.

GIRL TELEPHONE OPERATORS

*555. **Shri D. C. Sharma:** (a) Will the Minister of **Communications** be pleased to state the method of recruitment of telephone girl-operators?

(b) What are the minimum educational qualifications prescribed for the post?

(c) What is the number of telephone girl-operators in the Punjab?

(d) How many of them are permanent and how many are temporary?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) According to the present orders, outside candidates (irrespective of sex) are to be recruited for appointment as Telephone Operators in the P.&T. Department by Selection to be made by a Selection Board of departmental officers. The main criterion for selection is the total marks secured in Mathematics (or Arithmetic), Geography, English and Hindi (or local regional language) in the Matriculation or an equivalent examination. Candidates with higher educational qualifications and those with any previous experience of telephone working will get some weightage.

(b) A pass in the Matriculation or an equivalent examination.

(c) The total number of girl operators in the Punjab Circle as on the 14th October, 1953 was 146:

(d) 8 are permanent and 138 temporary.

Shri D. C. Sharma: May I know, Sir, if the method of selection is the same for all the States in India, and is a different method employed so far as the Punjab is concerned?

Shri Raj Bahadur: It is all over the same.

Shri D. C. Sharma: May I know, Sir, which departmental officers are selected—I do not want their names but their designations—for the purpose of recruiting these girl operators?

Shri Raj Bahadur: According to the latest rule, the selections will be made by the Circle heads—that is under their supervision—on the basis of marks obtained in the Matriculation examination plus some weightage being given for higher qualifications.

Shri D. C. Sharma: I am afraid the hon. Minister......

Mr. Speaker: Order, order.

Shrimati Renu Chakravartty: May I know if the families of the operators are entitled to free medical treatment, and in the case of the girl operators will the husband come in the category of the family?

Shri Raj Bahadur: That depends upon......

Mr. Speaker: Order, order.

Shrimati Renu Chakravartty: I think it is a very important question.

Mr. Speaker: The point is no doubt very important, but the chief question is whether it is within the scope of this question.

Shri D. C. Sharma: May I know why there is such a large disparity between the numbers of permanent and temporary operators?

Shri Raj Bahadur: There are several reasons. One of them is that the staff that opted finally for India, from Pakistan, and the staff that has been taken over from the States of PEPSU etc. has not yet been fixed properly, and a decision is to be taken in regard to them still. Apart from that, sometime ago, in 1950, we took a decision to 'feminize' the exchanges. But later on when we came to know that proper arrangements in all towns could not be made in regard to their night-rest, dormitories etc., we decided to keep the scheme in abeyance. Pending decision on these questions, the list of temporary girl operators has swollen up.

INTERNATIONAL CONFERENCE OF OFFICIAL TRAVEL ORGANISATIONS

*556. **Shri D. C. Sharma:** (a) Will the Minister of **Transport** be pleased to state whether India was represented at the Eighth General International Conference and General Assembly of the Official Travel Organisations held at Lisbon in the month of October, 1953?

(b) If so, has the representative submitted any report?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes.

(b) The report is awaited.

Shri D. C. Sharma: May I know what was the agenda, particularly with reference to India, that was discussed at this meeting?

Shri Alagesan: It contained several items. I can give it to the hon. Member, if he wants it. Problems of general tourist interest were discussed at the conference.

Shri D. C. Sharma: May I know whether the delegate who went as a representative of India, was given any particular brief by the Ministry?

Shri Alagesan: Yes, he was certainly briefed.

Shri D. C. Sharma: May I know what that brief was like?

Mr. Speaker: Possibly, the hon. Minister may place it on the Table of the House or give it to him privately.

Shri Alagesan: I can share it with him privately.

Shri N. M. Lingam: Is it a fact that a branch of this Organisation is going to be opened in Bombay, and if so, are Government going to give any aid towards the same?

Shri Alagesan: There is another branch consisting of the South East Asian countries, of which India was president, and Japan is president now. There is no proposal to open an additional office in Bombay.

Mr. Speaker: Next question.

Shri D. C. Sharma: One question, Sir.

Mr. Speaker: It is too late now, I am going to the next question.

COVERED PLATFORMS ON NORTHERN RAILWAY

*557. **Shri D. C. Sharma:** (a) Will the Minister of **Railways** be pleased to state the names of the stations on the Nothern Railway where platforms are proposed to be covered during the year 1953-54?

(b) How many of these are on branch line and how many on main line?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) In all 56 stations on the Northern Railway have been included for this purpose in the 1953-54 Works Programme and a list of these is laid on the Table of the House. [*See* Appendix III annexure No. 30.]

(b) 37 on main line and 19 on branch line.

Shri D. C. Sharma: May I know the policy of Government with regard to covering the platforms of these stations? How are the representations from the people of these areas being considered?

The Minister of Railways and Transport (Shri L. B. Shastri): The Railway Zonal Users' Committee draw up the list. They have also appointed a small sub-committee called the Passenger Amenities Committee, which in fact, draws up the list. On the basis of that list, the work is in progress.

Shri D. C. Sharma: May I know why there is such a large disproportion between the number of stations on the main line, and the number of stations on the branch lines, whose platforms are going to be covered?

Shri L. B. Shastri: Because there is greater traffic on the main lines.

SUGAR

*558. **Shri K. P. Sinha:** (a) Will the Minister of **Food and Agriculture** be pleased to state the quantity of sugar that has been imported upto the 30th of September, 1953?

(b) How are these stocks being distributed?

(c) Will it be sold all over the country at the imported rate of Re. -/12/- per seer?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) to (c). A statement giving the required information is laid on the Table of the House. [*See* Appendix III, annexure No. 31.]

Shri K. P. Sinha: May I know whether Government intend to import more than 2 lakhs of tons of sugar this year?

Shri M. V. Krishnappa: Yes. We intend to import 2,35,000 tons, out of which we have already purchased nearly half the quota.

Shri K. P. Sinha: May I know whether for 1954, consumption will be higher than production?

Shri M. V. Krishnappa: The consumption in the country is increasing, and so we expect the figure for consumption to be greater than those of last year and the year before last.

Shri Nanadas: May I know whether the States are at liberty to distribute the stocks allotted to them, and whether the co-operative organisations can get their stocks directly from the Central Government?

Shri M. V. Krishnappa: There are three ways of doing the distribution. As soon as we get the imported sugar at the ports first preference is given to the States who come forward to take the responsibility of distributing the sugar. The second preference is given to co-operative societies, and lastly, we give it to the merchants.

पंडित डी० एन० तिवारी : ट्रान्सपोर्ट चार्जेज को ले कर हिन्दुस्तान में यह कितने में पड़ती है और कितने में बेची जाती है ?

श्री एम० वी० कृष्णप्पा : हिन्दुस्तान में बारह लाख टन पैदा होती है ।

पंडित डी० एन० तिवारी : मैं ने पूछा था कि . . . . .

Mr. Speaker: Order, order. Shri Kelappen.

Shri Kelappan: May I know whether Government are considering the question of importing raw sugar, so that the refineries there may have some work?

Shri M. V. Krishnappa: That is a very important question. Refining is done in England and other places. But here, the merchants say that it is not profitable to import raw sugar and convert it into refind sugar.

U.N.I.C.E.F. AID

*559. **Sardar Hukam Singh:** Will the Minister of **Health** be pleased to refer to the reply given to unstarred question No. 44 asked on the 4th August, 1953 and state what has been the response of the UNICEF to the request for allocation of equipment and material worth Rs. 4,45,000 to the Government of India for the establishment of a Central Health Education Bureau?

The Deputy Minister of Health (Shrimati Chandrasekhar): The matter is still under the consideration of the UNICEF.

Sardar Hukam Singh: May I know whether Government shall have to wait till this request is conceded to, or whether they are proceeding independently of that grant, to start the Bureau on a small scale?

Shrimati Chandrasekhar: There is at present a revised scheme which is also under the consideration of the Ministry.

Sardar Hukam Singh: May I know whether this would be the grant for the complete equipment that we would require for the Bureau, from the UNICEF, or whether the Indian Government also will have to make some contribution towards the equipment etc.?

Shrimati Chandrasekhar: As a matter of fact, we have got about Rs. 12:75 lakhs set apart for the purpose, in the Five Year Plan, and we are going to utilise that amount, according to the revised scheme, even if we are not going to get the UNICEF equipment and material.

B.C.G. VACCINATION CAMPAIGN

***560. Sardar Hukam Singh:** Will the Minister of **Health** be pleased to state the number of persons who have been tuberculin tested and BCG vaccinated from May 1953 to October 1953?

The Deputy Minister of Health (Shrimati Chandrasekhar): The number of persons who have been tuberculin tested and B.C.G. vaccinated from the 1st May, 1953 to the 31st October, 1953 is as follows:

Tested	6,196,348
B.C.G. Vaccinated	1,879,303

Sardar Hukam Singh: May I know whether all the States have participated in the campaign, or there are still some exceptions in our country?

Shrimati Chandrasekhar: There is a list of the States that are already participating in the campaign, but there are some which have not yet taken part in it.

Sardar Hukam Singh: What is the number of teams that have been working for this purpose, during 1953?

Shrimati Chandrasekhar: In each State, they have got the number of teams according to their needs, and I do not think I have got a break-up.

PALM-*Gur* INDUSTRY

***561. Shri Radha Raman:** (a) Will the Minister of **Food and Agriculture** be pleased to state the areas where palm-*gur* industry is in operation?

(b) What is the annual output of palm-*gur*?

(c) Does palm-*gur* contain the same food value as *gur* from sugar-cane?

(d) Do Government propose to encourage this industry in view of the increasing demand for sugar?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The palm-*gur* industry is in operation in the States of Ajmer, Bihar, Bombay, Bhopal, Hyderabad, Madras, Mysore, Orissa, Rajasthan, Saurashtra, Travancore-Cochin, Uttar Pradesh, Vindhya Pradesh and West Bengal.

(b) The exact figures of annual output are being collected and will be placed on the table of the House when received.

(c) Yes.

(d) Yes.

Shri Radha Raman: May I know the consumption of palm-*gur* statewise?

Shri M. V. Krishnappa: I can give only rough figures. A rough estimate of the total production is about 50,000 tons in India, out of which about 2,500 tons are exported to Ceylon. The rest is consumed in India.

Shri Radha Raman: May I know for what purposes, palm-*gur* is being used in India?

Shri M. V. Krishnappa: It is used for medicinal purposes, and it is also being used in place of jaggery.

MARINE FISHERIES

***562. Shri Gopala Rao:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount so far spent under the Technical Co-operation Agreement on the expansion and modernisation of marine fisheries; and

(b) the progress made in respect of modernisation of marine fisheries?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Procurement of equipment and technicians worth $2,014,699 has been authorised.

(b) A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 32.]

Shri Gopala Rao: May I know, Sir, whether any survey of marine fisheries has been carried out to obtain an overall picture of the sea fish available before taking steps to procure equipment and technicians on a large scale?

Shri M. V. Krishnappa: Under this project, carrying on of surveys is also one of the items, and work is being started in that direction.

Shri Gopala Rao: In the statement it is said that already certain items of equipment are procured and technicians are working in the Bombay Deep Sea Fishing Station. Since 1947 the Bombay Deep Sea Fishing Station has been working. May I know whether the Government have taken the experience of that station into account before procuring the equipment and technicians, and may I also know whether that experiment has proved a success?

Shri M. V. Krishnappa: We have no bull-trawling in India. It is a new thing. In the project, that is one of the items—catching fish by bull-trawling. So in the system that was in existence in Bombay which the hon. Member referred to, this was not there. We had two boats *Asok* and *Pratap*. They were used for catching fish by ordinary trawling. Now, this bull-trawling is a new thing in India and we have imported 4 technicians from Japan and they are carrying on the whole work.

Shri Gopala Rao: As the procurement of these technicians from abroad is very costly, may I know whether there is any scheme to train up Indians to do this work?

Shri M. V. Krishnappa: We want to send away these experts as soon as possible.

Shri V. P. Nayar *rose*—

Mr. Speaker: We will go to the next question.

Shri V. P. Nayar: One question, Sir. You called me earlier.

Mr. Speaker: Next question.

DEEP-SEA FISHING

***563. Shri Punnoose:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that a private company is going to undertake deep-sea fishing on a commercial basis in West Coast, near Travancore-Cochin?

(b) Is it also a fact that the Government of Travancore-Cochin have some shares in that company?

(c) What help do Government propose to give to this company?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) Yes.

(c) The company has approached the Government of India through the Travancore-Cochin State Government for financial help in the form of technicians and equipment under the Technical Co-operation Aid Programme, and for loan from the Grow More Food Funds. The proposal is under the consideration of the Government of India.

Shri Punnoose: May I know, Sir, what is the amount demanded by the company?

Shri M. V. Krishnappa: They have asked for a number of things. I can read it out. They want:

1. One 130 ft. steel trawler,
2. Two small vessels,
3. Fishing tackle and gear,
4. 4 technicians to operate the two small vessels,
5. Two Japanese technicians, and
6. A working capital of Rs. 6 lakhs.

Shri Punnoose: Is it not a fact that in the absence of a big vessel, this company could operate only in the sea near Bombay?

Shri M. V. Krishnappa: That is the reason why they are asking for big vessels and technicians from the Government of India. Since this is a new company and it is for the first time that we are trying to help a private company, the entire question is under the consideration of the Government.

Shri V. P. Nayar: Are the Government aware that at present what little there is of deep sea fishing is carried on by the company off the coast of Bombay, and that it involves very heavy expenditure? May I also know at what stage the request for a bigger vessel to be able to fish over a wider area is engaging the attention of Government?

Shri M. V. Krishnappa: Since the Travancore-Cochin Government has taken over the management of this company, we are considering the case of this company for funds from G.M.F.

Shri A. M. Thomas: During the last session, the hon. Minister for Food and Agriculture had stated that the proposal just now mentioned by the hon. Member was under the consideration of the Government. May I know whether the proposal has been recommended by the State Government, and also what exactly is the reason for the delay in the Centre coming to a decision?

Shri M. V. Krishnappa: Regarding recommendations, Sir, the State Government itself has asked, because the management of the company has been taken over by that Government. Hitherto we had no precedent of helping as private company by making use of general funds. Since this is a big demand made by the company, the entire question is under the consideration of the Government and I can assure the hon. Member that we will take immediate action.

Shri Punnoose: What is the investment of the Travancore-Cochin Government in this, and what is the loss that the company has to sustain in the absence of help from the Centre?

Shri M. V. Krishnappa: Sir, all that we know is that it is a company started ten years ago. They have invested Rs. 25 lakhs out of which the Travancore-Cochin Government has purchased shares worth Rs. 5 lakhs. Since it is a private company, we have no concern with it in this regard.

SEA EROSION

***564. Shri Punnoose:** (a) Will the Minister of **Transport** be pleased to state whether it is a fact that the Cochin Port is in jeopardy because of increasing inroads into the port by the sea?

(b) If so, what immediate action do Government propose to take in the matter?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) No.

(b) Does not arise.

Shri Punnoose: Has it come to the notice of the Government that the Chief Architect of the Cochin Harbour has pointed out that this soil erosion is going to be dangerous to the Harbour in the long run?

Shri Shahnawaz Khan: We had this report investigated very thoroughly and our expert says that even if this erosion continues unchecked, there is no danger to the Harbour for another 300 years.

Shri Punnoose: Is it a fact that Vypeen, which is two or three miles away from the harbour, and Chelanum and other places titen miles away are being subjected to inroads of the sea?

Shri Shahnawaz Khan: That is quite right. Sir, in between the main harbour and the sea there is a very narrow strip of land. That is open to erosion. Erosion does take place annually for three months in a year, and for nine months there is silting, and on the whole, the sea leaves something rather than take away something.

Shri Punnoose: One more question.

Mr. Speaker: We will go to the next question.

AMMONIUM SULPHATE

*565. **Shri S. C. Samanta:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the result of the application of ammonium sulphate in Government agricultural paddy fields;

(b) in how many cases only ammonium sulphate and no other fertiliser was applied in consecutive years to the same paddy fields;

(c) the result, year by year on the production; and

(d) whether the method of applying ammonium sulphate and other fertilisers in the fields is reaching the farmers?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The application of Ammonium Sulphate has been extensively tested and the results indicate that it gives a significant increase of 25 to 30 per cent. in the yield except on highly acid soils as in Assam.

(b) In all experiments, on this aspect, Ammonium Sulphate has been compared alone as also in combination for four consecutive years with other fertilisers on the same area.

(c) A statement giving the results of the continuous application in two long-range permanent manurial trials, for the last four years is placed on the Table of the House. [*See* Appendix III, annexure No. 33.]

(d) Systematic and extensive experiments on cultivators' fields with different fertilisers including Ammonium Sulphate imported under the Technical Co-operation Aid Projects, are being carried out to demonstrate their value and use.

Shri S. C. Samanta: With reference to (c), Sir, a statement has been given for four years. May I know whether in that case the compost of manure and other things were also applied?

Shri M. V. Krishnappa: No, Sir. Only the results of the application of ammonium sulphate have been given here.

Shri S. C. Samanta: The statement says that by not applying manure the yield was 1884 lbs. and by applying 400 lbs. of ammonium sulphate the yield was 2064 lbs. May I know whethere the Government have found out any other means of mixing ammonium sulphate with other fertilisers so that the yield may be more?

Shri M. V. Krishnappa: Yes, Sir. By practice it has been established that instead of applying one manure like ammonium sulphate, if we apply a mixture called ammonium sulphate-super phosphate-bone meal and other meal that are available in India, the yields are better and the deficiency of the soil in nutritive value is reduced.

Shri T. K. Chaudhuri: Has it come to the notice of the Government that some experts have expressed the opinion that although the application of ammonium sulphate results in increased yield in the first few years, it leaves the texture of the soil somewhat damaged and results in ultimate deterioration of the soil? Has any investigation been made on this matter?

Shri M. V. Krishnappa: Of course, there is a conflict of opinion about the use of fertilisers. But this is part of the normal activities of the Government department. We are trying it both in the Pusa Institute and in other centres and it has been proved that the application of ammonium sulphate has not in any way affected the soil. The only thing is that there should be judicious application, *i.e.* the proper dose. Upto 200 lbs. per acre, the yield will be increasing. If it goes beyond that, then we get diminishing yields. That has been proved.

CATTLE PRESERVATION

*566. **Shri Dabhi:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that a deputation of the Bharat Gosevak Samaj met the Prime Minister on the 27th August, 1953 in Delhi in connection with cattle preservation in India and submitted to him a note containing suggestions for preserving and utilizing the cattle wealth of the country;

(b) if so, what suggestions were made by the deputation; and

(c) what decision Government have taken in the matter?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) The deputationists stressed the need for total prohibition of slaughter of cattle and urged that a definite plan for adoption by the States for the improvement of breeds and development of cattle should be drawn up.

(c) Measures for preservation and development of useful cattle are in hand. No decision has, however, so far been taken on the main demand of the deputationists for the total ban on slaughter of cattle.

Shri Dabhi: May I know what difficulty the Government experience in accepting the demand of the deputationists?

Shri M. V. Krishnappa: Sir, we have to consider on its merits the legal and economic implications of the problem. Supposing we stop today the slaughter of all cattle including useful and useless cattle, it is said that we have got about 1½ crores of useless cattle in the country, then it will be a problem for us where to send them.

Mr. Speaker: I think we need not enter into all the details.

Shri S. N. Das: May I know whether it is a fact that the Union Government had issued a circular to the various State Governments on the subject and, if so, what is the text of that circular?

Shri M. V. Krishnappa: Sir, it was discussed at the State Agricultural Ministers' Conference threadbare and they have also given their opinions. Already in some States, there is complete prohibition of the slaughter of all animals.

Pandit Thakur Das Bhargava: Under Article 48 of the Constitution, is it not the policy of the Government to stop the slaughter of all cows?

Shri M. V. Krishnappa: It is also interpreted the other way. They say that......

Mr. Speaker: Now, we are entering into an argument.

Pandit Thakur Das Bhargava: The Planning Commission has interpreted it in a certain way.

Mr. Speaker: We are not having a debate now. These are all arguments. I am asking Babu Ramnarayan Singh to his question.

बाबू रामनारायण सिंह : मैं यह जानना चाहता हूं कि पशु रक्षा में गोवध निषेध शामिल है कि नहीं ?

Mr. Speaker: Whether prevention of cow slaughter is included in the protection of all animals.

Shri M. V. Krishnappa: No, Sir.

TUBE-WELLS IN BOMBAY STATE

***567. Shri Dabhi:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that the Government of Bombay have cancelled the contract with the National Tube-Well Company for constructing tube-wells in North Gujrat?

(b) If so, what are the reasons for the same?

(c) What amount have the Central Government given so far as loan to the Bombay Government for the construction of tube-wells in North Gujrat?

(d) How much money has so far been paid to the National Tube-Well Company out of the loan?

(e) How many successful tube-wells have been constructed by the Company?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes.

(b) Unsatisfactory performance of the contractors and their expressed inability to carry on the contractual obligations.

(c) Rs. 40 lakhs.

(d) Rs. 58:68 lakhs.

(e) 20 wells.

Shri Dabhi: May I know how many unsuccessful wells were bored by this Company and how much money was spent?

Shri M. V. Krishnappa: They have altogether bored 26 wells and out of this......

Mr. Speaker: I think this question has been answered a number of times and if I mistake not, it is the responsibility of the Government of Bombay.

Shri M. V. Krishnappa: Yes, Sir.

Shrimati A. Kale: I want to know whether the contractors have been heavily fined for not fulfilling the contract.

Shri M. V. Krishnappa: This again is Bombay's responsibility. We are only concerned with the recovery of the loan.

Shri Sarangadhar Das: May I know if it is the same company for which the loan was originally wanted by the Bombay Government from the Government of India?

Shri M. V. Krishnappa: This is the National Tube-Well Company, Sir.

Mr. Speaker: Is it the same Company for which the Bombay Government originally asked for a loan?

Shri M. V. Krishnappa: When they asked for a loan, they did not mention the names of the contractors; they said that they wanted a loan of 2 crores of rupees.

RESIDENTIAL BUILDINGS ON EX-ASSAM RAILWAY

***568. Ch. Raghubir Singh:** (a) Will the Minister of **Railways** be pleased to state whether the question of fixation of pooled rents for residential buildings on the ex-Assam Railway has been finalised?

(b) If not, what are the reasons?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Not yet.

(b) The North Eastern Railway of which the ex-Assam Railway now forms a part comprises of different railway systems of the past, such as the ex-Assam Bengal Railway, the ex-Darjeeling Himalayan Railway, the ex-Dirbu Sadya Railway etc. on which the scale of accommodation provided and rents recovered were different under the old companies' regimes. The pooled rents have now to be fixed not for the ex-Assam Railway but for the entire North Eastern Railway system on a uniform basis and this is already in hand.

CENTRAL PAY COMMISSION'S RECOMMENDATIONS

***569. Shri Punnoose:** (a) Will the Minister of **Transport** be pleased to state whether it is a fact that the Central Pay Commission's recommendations have not yet been fully implemented in the case of the employees of the Port Commissioner's workshop in Kidderpore?

(b) Is it a fact that the workers of this workshop have made repeated representations to the authorities in this connection?

(c) What action have Government taken in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) It is not obligatory on the Calcutta Port Commissioners to implement the recommendations of the Central Pay Commission. The report of the Commission was however forwarded to them and they have revised the pay and allowances of various categories of staff in the light of the Commission's recommendations

(b) Yes.

(c) The Port Commissioners have appointed a Committee to look into the representations.

Shri Punnoose: On a point of order, Sir. My question is whether those recommendations were implemented. His answer is that it is not obligatory.

Mr. Speaker: If he takes into consideration the answer as a whole he will find that the recommendation has been taken into consideration by them and thay have acted upon it to some extent.

Shri Punnoose: May I know what were the recommendations that were not implemented and what were the demands of the workers?

Mr. Speaker: I think it is too wide a question.

Shri Punnoose: There was a specific case like this; there was a scuffle about it.

Mr. Speaker: , What information does he want?

Shri Punnoose: I want to know which recommendations of the Pay Commission were demanded to be implemented?

Shri Alagesan: As you very rightly pointed out, Sir, it is too wide a question.

Mr. Speaker: I want to know one thing further. I think the Calcutta Port Commissioners are a separate statutory authority.

Shri Alagesan: That is right, Sir.

Mr. Speaker: I don't think we will go into the details of the working of a statutory body.

CENTRAL INSTITUTE OF RESEARCH IN INDIGENOUS SYSTEMS OF MEDICINE

***570. Shri S. C. Samanta:** Will the Minister of **Health** be pleased to state:

(a) the progress so far made by the Central Institute of Research in Indigenous Systems of medicine at Jamnagar;

(b) the number of staff appointed so far; and

(c) how many times and when the Research Institute Committee sat and what were their recommendation?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) The buildings required for the Institute have only recently been taken over from the Government of Saurashtra and steps are being taken to carry out the necessary additions, alterations and repairs. The necessary equipment and apparatus are being ordered.

(b) The Director has already been appointed. Certain technical staff as shown in the attached statement have been selected and are being appointed shortly. [*See* Appendix III, annexure No. 34.]

—

The auxiliary staff will also be appointed as soon as the technical staff join duty.

(c) The Governing Body of the Institute has met thrice and the Scientific Advisory Council has met once. The Governing Body discussed organisational matters and the Scientific Advisory Council has drawn up a programme of work for the current year and also recommended a procedure for undertaking clinical trials of Ayurvedic preparations.

Shri S. C. Samanta: May I know the difficulties, Sir, over this institute starting work?

Shrimati Chandrasekhar: The institute has been set up and it has actually started working. But, the technical staff have not joined duty as yet. As soon as they join duty, the function of the institute will start.

Shri S. C. Samanta: I wanted to know the difficulties that lay ahead before setting up this institute because the proposal to open this was made two years ago.

Shrimati Chandrasekhar: Sir, this institute had to be established in some other hospital and those people had to find alternative accommodation. They took some time to get the alternative accommodation and that is why there was delay.

ROAD TO TIBET

***571. Shri S. C. Samanta:** Will the Minister of **Transport** be pleased to state:

(a) whether the construction of the road to Tibet extending from Narkanda to Chini in Himachal Pradesh has been completed;

(b) if not, how many miles have so far been constructed;

(c) the estimated cost of the road construction;

(d) whether the Central Government will bear the whole cost; and

(e) the number of bridges that are to be constructed and the cost thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) No length has been completed. A 2 ft. trace has been cut along the entire length. This is now being widened to 6 ft. to make it suitable for mule traffic in the first instance. It is intended to make the entire road motorable within the next few years.

(c) About Rs. 245 lakhs.

(d) Yes.

(e) Thirteen bridges and a number of culverts are to be constructed at an estimated cost of about Rs. 50 lakhs.

Shri S. C. Samanta: May I know how much Tibetan border will be covered by the construction of this road?

Shri Alagesan: Sir, this refers to the stretch between Narkanda and Chini; the entire length is about 143 miles.

Shri S. C. Samanta: May I know Sir, how much of it is in the Indo-Tibetan border?

Shri Alagesan: I do not understand the question, Sir. We construct the road on our border.

Shri N. M. Lingam: May I know, Sir, whether the project was conceived before or after the occupation of Tibet by China?

Shri Alagesan: I cannot say whether it was conceived before or after. But we are going ahead with the work.

JAPANESE METHOD OF RICE CULTIVATION

***574. Shri L. N. Mishra:** Will the Minister of **Food and Agriculture** be pleased to state what steps Government have taken to spread the Japanese method of rice cultivation and to intensify the campaign?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): A statement is placed on the Table of the House. [*See* Appendix III, annexure No. 35.]

Shri L. N. Mishra: Are the Government aware of the fact that this new method of cultivation requires more capital, and if so, do Government propose to subsidise this method of cultivation?

Shri M. V. Krishnappa: The cost of cultivation by the ordinary method and the cost of cultivation by the Japanese method—the difference is very little. It comes only to Rs. 50 or Rs. 100. There are some agriculturists who are prepared to challenge the statement that the Japanese method costs more than the ordinary method. By the ordinary method, 50 seers of seedlings are necessary per acre, whereas by the Japanese method only eight seers are necessary. So, in seedlings they save. In weeding, in the Japanese method, no weeding is necessary so a lot of money could be saved in weeding also. If you invest more money, you reap more.

Shri L. N. Mishra: May I know the State where the Japanese method of cultivation has proved most popular and the State where it proved to be most unpopular?

Shri M. V. Krishnappa: It has been proved popular, no doubt. But, if it has proved unpopular, there must be something wrong with the land or something like that.

Shri Kanungo: From how many centres did the Government receive reports on the success or otherwise of this method?

Shri M. V. Krishnappa: In almost all the States, they have given reports which showed that it is very progressive. The results are sometimes three to four times our normal yield.

Mr. Speaker: Next question.

Shri Kanungo: I asked the number of centres.

Mr. Speaker: Order, order. Next question.

TRIBUNAL TO ENQUIRE INTO RAILWAYMEN'S DEMANDS

*575. **Shri Gidwani:** (a) Will the Minister of **Railways** be pleased to state whether the meeting of the Tribunal to enquire into the demands made by Railway Staff, has been postponed twice?

(b) If so, what are the reasons for the same?

(c) When will the Tribunal start its work?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) As most unions represented to the Railway Labour Federation that enough time had not been available for collecting the necessary data and preparing their case.

(c) It is expected to do so within the next few weeks.

Shri Gidwani: What are its terms of reference?

Shri Alagesan: The terms of reference have been placed on the Table of the House. They number five items. If the Chair permits, I shall read them.

Mr. Speaker: If it is placed on the Table of the House, the hon. Member may refer to it.

Shri Muniswamy: May I know, Sir, whether the revision of pay-scales will be one of the items that will be considered by this Tribunal?

Shri Alagesan: I shall read the first term of reference. It runs thus: "The redistribution of scales for various grades of staff decided upon as a result of the recommendation of the Joint Advisory Committee should be reviewed." That is the first term of reference.

INLAND NAVIGATION

*576. **Pandit D. N. Tiwary:** Will the Minister of **Transport** be pleased to state:

(a) whether the United Nations Technical Expert for inland navigation who arrived here in October 1952 has submitted any report; and

(b) if so, whether Government will lay on the Table of the House the report he submitted?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The United Nations Technical Assistance Administration to whom the Report has been submitted have not yet published it. When printed copies are received, they will be laid on the Table of the House.

पंडित डी० एन० तिवारी : अभी तक किन किन नदियों का अन्वेषण हो चुका है ?

रेल तथा यातायात मंत्री (श्री एल० बी० शास्त्री) : पायलट स्कीम द्वारा अन्वेषण तो शुरू होने वाला है ।

पंडित डी० एन० तिवारी : क्या गंगा नदी का अन्वेषण बनारस से पटना तक है या नहीं ?

श्री एल० बी० शास्त्री: बनारस से नहीं, इलाहाबाद से पटना तक का है ।

MICA

***577. Shri Nanadas:** (a) Will the Minister of **Labour** be pleased to state whether it is a fact that workers in mica industry are treated as daily coolies by the employers so as to avoid payment for Sundays?

(b) If so, what do Government propose to remedy this system and see that the workers are paid for Sundays and holidays also?

The Minister of Labour (Shri V. V. Giri): (a) Workers in mica industry are covered by the Minimum Wages Act, 1948 and the Rules framed thereunder which provide for a weekly holiday with wages, irrespective of the fact whether the workers are daily-rated or otherwise.

(b) Does not arise.

Shri Nanadas: May I know whether there is any central organization which will look into the matter and see that the employers do not deceive the labourers?

Mr. Speaker: "Do not deceive"? He must use some other language.

Shri Nanadas: ....do not deprive the labourers of their weekly wages?

Shri V. V. Giri: Yes, Sir.

Mr. Speaker: The answer is in the affirmative.

Shri K. K. Basu: May I know whether any representations reached the Ministry on behalf of the workers? There are cases where the employers do not comply with the provisions of the Minimum Wages Act.

Shri V. V. Giri: There are 22 complaints. They are under investigation, and in certain cases, it is the desire of the Government to start prosecutions.

Shrimati Renu Chakravartty: What is the organizational machinery which deals with these complaints and looks into these difficulties?

Shri V. V. Giri: Inspectors of the Regional Labour Organization.

Shri Nanadas: How many such Inspectors are there in Gudur mica area?

Shri V. V. Giri: I cannot give exactly the number of Inspectors but there are some Inspectors.

LANDLESS AGRICULTURAL WORKERS

***578. Shri Nanadas:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the various resettlement schemes provided by the Central Government for the landless agricultural workers under the Five Year Plan;

(b) the amount spent so far out of rupees two crores set apart for the purpose by the Central Government; and

(c) how it has been spent?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Only one scheme for the resettlement of landless workers in the Bhopal State has been approved by the Government of India so far. It provides for the settlement of 1,000 families of landless workers and is just being taken up.

(b) and (c). Pending formal sanction to the scheme, a sum of Rs. 50,000 has been approved for preliminary expenditure on cultivating an area of 1,460 acres in the Farm during the current rabi season.

Shri Nanadas: May I know, Sir, what is the procedure adopted in selecting the centres?

Shri M. V. Krishnappa: There is no procedure adopted. All that we want is a unit of 10,000 acres. This is supposed to be an economic unit for the present. We had 10,000 acres of reclaimed land in Bhopal. We have started the first farm there and we have asked the other State Governments to make a survey and suggest estimates if there is such land available in those States.

Shri Nanadas: May I know, Sir, the procedure adopted in selecting the landless agricultural labourers to be settled in those colonies?

Shri M. V. Krishnappa: For the project farm, 50 per cent. of the landless labourers are from Bhopal, because it is going to be started in Bhopal. The Bhopal State insists that 50 per cent. of the landless labourers from that State should be taken, because they are giving the land free. There are some refugee landless labourers in other States also who are badly in need of land and such people will be selected, on the same basis.

Shri Kelappan: What percentage of the landless agricultural workers will be absorbed in this scheme?

Shri M. V. Krishnappa: According to the latest census figures, the number of landless labourers and their dependants in India is about 4½ crores. In this scheme, we have provided only for 1½ crores for the plan period.

Several Members *rose*—

Mr. Speaker: If everybody wants to put a question, we cannot finish promptly. Next question.

EXTRA-DEPARTMENTAL STAFF IN POSTS AND TELEGRAPHS DEPARTMENT

*579. **Shri Nanadas:** (a) Will the Minister of Communications be pleased to state the principles involved in selecting candidates for extra-departmental services in the Posts and Telegraphs Department?

(b) What are the educational qualifications prescribed for different categories of extra departmental personnel?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) On the presumption that the member refers to Extra Departmental Postmasters, the main requirements are that they should be fairly literate, have an independent source of income and be men of good character and antecedents.

(b) No specific educational qualifications have been prescribed.

Shri Nanadas: Is it not a fact that no reservation has been made for the scheduled castes and scheduled tribes in this category?

Shri Raj Bahadur: As I have said, these posts carry only an allowance and are not in the regular cadre, but, of course, if suitable candidates from scheduled castes are available, they will also be considered along with others.

Shri Muniswamy: May I know, Sir, if the question of giving preference for the promotion of clerks in the regular service to those who are in the Extra Departmental Staff who are matriculates and who possess more than ten years' service, is under consideration of the Government?

Shri Raj Bahadur: They are not in the regular employ of the Government.

They get only allowance; for recruitment, they have got a chance along with the others.

Shri Sarangadhar Das: Arising out of the reply that the Minister gave with regard to the appointment of scheduled caste candidates, may I know if scheduled caste postmasters would be tolerated in the villages where the post offices are being established?

Mr. Speaker: It couldn't be in the knowledge of the Minister. Next question.

TOWN INSPECTORS OF POST OFFICES

***581. Shri Muniswamy:** (a) Will the Minister of **Communications** be pleased to state whether it is a fact that Town Inspectors of Post Offices are appointed in Head Post Offices?

(b) How are they recruited, whether by promotion or by direct recruitment?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) By selection from amongst clerks.

Shri Muniswamy: May I know, Sir, who is the appointing authority?

Shri Raj Bahadur: Mostly, it is the Superintendent or the Head of the circle.

Shri Muniswamy: May I know whether it is a fact that there is no scope for them to appeal to any other authority in case they are not selected? I want to know whether the candidates have got any scope for appealing against the orders of the Superintendent?

Shri Raj Bahadur: The selection is this way: the appointments are made by selection. Essentially, the official remains in the time-scale clerical cadre, but an allowance of Rs. 30 is given as special pay, plus some dearness allowance. So, selections are made from out of the clerks, and there is no question of appeal or otherwise.

FOODGRAINS FOR BIHAR

***584. Shri Bhagwat Jha:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that the Government of Bihar have requested the Union Government for allotment of cheap and coarse grain for deficit and flooded areas?

(b) What is the amount so far allotted?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes, Sir.

(b) 10,000 tons of wheat at Rs. 14 per maund to be sold to the consumers at the same retail price and 5,000 tons of jowar to be sold at Rs. 2 less than its economic cost, the centre bearing half the loss. But the Bihar Government have recently surrendered 2,500 tons of jowar out of this.

Shri Bhagwat Jha: May I know, Sir, what was the quantity asked for from the Union Government by the State Government?

Shri M. V. Krishnappa: They had originally asked for 10,000 tons of wheat, and 5,000 tons of rice; they had not asked for the coarse grain. Later on they said they would prefer the cheaper grain on rice. We, therefore, sent 5,000 tons of coarse grain from Madhya Pradesh.

Shri Bhagwat Jha: May I know, Sir, what was the price at which these grains were procured by the Central Government and the price at which they were offered to the State Government?

Shri M. V. Krishnappa: The ten thousand tons of wheat was supplied from our imports. The landed cost of imported wheat was Rs. 16/8/-; this we supplied at Rs. 14. The cost of jowar from Madhya Pradesh was Rs. 12 per maund We told the Bihar Government that they could sell at Rs. 2 less than the economic cost and that we would bear half the loss.

SAILING VESSELS INDUSTRY

***585. Ch. Raghubir Singh:** (a) Will the Minister of **Transport** be pleased to state whether it is a fact that an officer on special duty in the Directorate General of Shipping has been appointed to formulate working measures for the implementation of Government's policy regarding the development of the sailing vessels industry?

(b) If so, what measures has he adopted for organising the various interests in the sailing vessels industry?

(c) Has he submitted any proposals for legislation?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir. An officer has been appointed for the purpose.

(b) Since his appointment in July 1952, this officer has contacted various sailing vessels interests, Port Officers, etc., and held conferences with them. This has helped in reviving various dormant associations of sailing vessels interests and in forming some new associations. Responsible Chambers of Commerce, both on the east and west coasts of India, have also been induced to include the subject of development of sailing vessels amongst their activities.

(c) A Draft Bill for the regulation of the sailing vessels and traffic under sail has been prepared by this officer. This is now under consideration in consultation with the various interests concerned.

विद्युत् इंजन

***५८६. श्री रघुनाथ सिंह ।** क्या रेल मंत्री यह बताने की कृपा करेंगे ।

(क) भारतीय रेलों के लिये प्रति वर्ष कितने विद्युत् इंजनों की आवश्यकता पड़ती है ?

(ख) प्रति इंजन औसतन क्या कीमत होती है ; और

(ग) भारत में विद्युत् इंजन बनाने का क्या कोई प्रयास किया जा रहा है ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) They are not required regularly on an annual basis as the number of electric locomotives in service is very small, being about 70 only.

(b) £63,865 f.o.b. European ports was the last quotation.

(c) The possibility has been under examination.

श्री रघुनाथ सिंह : फ़ारेन एड योजना के अन्तर्गत हिन्दुस्तान को कितने इलेक्ट्रिक इंजन प्राप्त होंगे ?

श्री शाहनवाज खां : एक भी नहीं ।

EX-STATE POSTAL EMPLOYEES

***587. Shri T. B. Vittal Roa:** Will the Minister of **Communications** be pleased to state:

(a) whether any decision has been arrived at regarding the implementation of the Central Pay Commission scales of pay, with retrospective effect from 1st April, 1950 to the *ex*-State Postal employees, consequent upon the integration of postal services with the Centre; and

(b) if the reply to part (a) above be in the negative, when a decision is likely to be reached?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The matter is under consideration.

Shri T. B. Vittal Rao: May I know, Sir, what will be the expenditure involved if they are paid with retrospective effect from 1st April 1950?

Shri Raj Bahadur: In the neighbourhood of Rs. 30 lakhs, I am speaking from memory and am subject to correction.

Shri T. B. Vittal Rao: May I take it that a decision will be reached before the end of 1953?

Shri Raj Bahadur: We hope so.

PLANTATION WORKERS

***588. Shri Gopala Rao:** Will the Minister of Labour be pleased to state the progress so far made by the planters in regard to providing housing accommodation to plantation labourers?

The Minister of Labour (Shri V. V. Giri): At the 3rd Session of the Industrial Committee on Plantations held in November, 1950, the employers agreed to construct houses according to approved standards for 8 per cent. of their labour population every year. To watch the progress of housing, the Government of India have requested the main Planters' Associations to submit half-yearly reports in a prescribed form and these reports are being received. Two statements, one showing the number of houses constructed by estates during each of the five half-yearly periods ended the 31st March, 1953 and the other showing the number of houses available on the 31st March, 1953 for plantation workers are laid on the Table of the House. [*See* Appendix III, annexure Nos. 36 and 37.]

Shri Gopala Rao: The Statement shows that about 88 per cent. of the workers are without houses. In view of the slow progress made, do Government propose to enact any legislation on this matter?

Shri V. V. Giri: There is legislation already, the Plantation Labour Act of 1951, which unfortunately has not been put into effect. Efforts are now being made, since there is not that depression in the tea industry which they complained of before, to hasten up this matter.

Shri Gopala Rao: May I know, Sir, whether the so-called kutcha and semi-pucca houses are unfit for human habitation and if so whether Government are going to take the necessary steps to see that the planters erect at least habitable houses with the minimum necessary equipment?

Shri V. V. Giri: Government are aware of the position.

Shrimati Renu Chakravartty: May I know if the various planters' associations have fulfilled their pledge of erecting 8,000 houses every year?

Shri V. V. Giri: They have not fulfilled the pledge completely.

Shri T. B. Vittal Rao: In the statement the houses are classified into kutcha, pucca and approved. What is the floor area of the approved house?

Shri V. V. Giri: I have not got the information here.

TRANSFER OF RAILWAY CLAIMS OFFICE

***591. Shri R. N. Singh:** Will the Minister of Railways be pleased to refer to the answer to starred question No. 700 on 20th August, 1953 and state what are the exceptional circumstances that compelled a major redistribution in the case of the N.E. Railway alone (unlike other Railway inheriting more than one claims office) so that the work of the Muzaffarpur Region which constitutes the major portion of the work of the Gorakhpur office was transferred?

The Deputy Minister of Railways and Transport (Shri Alagesan): This was done as a matter of administrative convenience, and keeping in view the position regarding availability of accommodation and staff at Calcutta and Gorakhpur.

श्री आर० एन० सिंह : क्या मैं जान सकता हूं कि रीग्रुपिंग के बाद जो क्लेम आफ़िस कलकत्ते गया था, वह जैसा कि पहले आदेश दिया गया था उस के अनुसार वह गोरखपुर में काम कर रहा है ?

रेल तथा यातायात मंत्री (श्री एल० बी० शास्त्री) : जी नहीं, ऐसा आदेश नहीं दिया गया था और दफ़्तर अभी वहीं है ।

श्री आर० एन० सिंह : क्या सरकार को मालूम है कि मुजफ्फर नगर रीजन के अभी बहुत से क्लेम केसेज वैसे ही पड़े हुए हैं ?

श्री एल० बी० शास्त्री : वह तो वैसे भी पड़े रहते हैं दफ़्तर चाहे गोरखपुर में हो या और कहीं ।

COLONIES AROUND DELHI

*592. **Shri N. P. Damodaran:** (a) Will the Minister of Health be pleased to state the steps taken or proposed to be taken to provide filtered water to the residents of various Rehabilitation and other colonies that have sprung up round Delhi and New Delhi, as mentioned in the annual administrative report of the Ministry for the year 1952-53?

(b) Have Government sanctioned any amount or do they propose to sanction some amount for the said work?

(c) If so, what is the amount spent or when is it likely to be utilized for the said work?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Water supply has been given in various Rehabilitation and other Colonies sprung up round Delhi and New Delhi as mentioned in the annual administrative report of the Ministry of Health for the year 1952-53. They are Rajinder Nagar, Patel Nagar (East and West), Malkaganj, Rehabilitation Colonies to the north of Delhi in Civil Lines, Nizamuddin village and Nizamuddin Extension, Jangpura Neighbourhood 'A' and 'B' and Jangpura Extensions, part of Lajpat Nagar, Kalkaji etc. In certain cases like Tehar *i.e.* Tilak Nagar deep tube wells have been sunk and filtered water from that source is being supplied. In colonies like Malviya Nagar, several surface wells have been harnessed and in certain other colonies hand pumps have been provided which would be replaced by the filtered water supply for which steps are being taken.

(b) The Government of India have sanctioned the necessary amounts of loans to the Delhi Joint Water and Sewage Board for supplying water to the Constituent Bodies who in turn supply water to the new colonies.

(c) The total estimated cost of water supply schemes formulated by the Delhi Joint Water and Sewage Board is Rs. 3,62,25,000 and the loan so far paid by the Government to the Board amounts to Rs. 1,46,02,000. The exact amount of the money spent so far cannot be stated as the money is spent by the various authorities *e.g.*, Delhi Joint Water and Sewage Board, Delhi Municipal Committee, New Delhi Municipal Committee, and the Notified Area Committee, Civil Lines and also by the Rehabilitation Ministry.

Shri Muniswamy: May I know, Sir, at what intervals the filtered water of Delhi is set for bacteriological examination?

Shrimati Chandrasekhar: I have no information.

ADULT CIVILIAN TRAINING SCHEME

*594. **Shri C. R. Chowdary:** Will the Minister of Labour be pleased to state:

(a) what is the annual expenditure on the working of training institutes opened under the Adult Civilian Training Scheme; and

(b) the total number of persons State-wise who have received training diploma in craftmanship?

The Minister of Labour (Shri V. V. Giri): (a) Rs. 54,21,500 during 1952-53; out of which the Central Government's share is Rs. 34,20,900 and State Governments' share is Rs. 20,00,600.

(b) A statement is placed on the Table of the House. [*See* Appendix III, annexure No. 38.]

Shri C. R. Chowdary: May I know whether this diploma is recognised by the State Governments?

Shri V. V. Giri: Many of the State Governments have given recognition to it.

WRITTEN ANSWERS TO QUESTIONS

RAILWAY TERMINAL CHARGES

*572. **Shri Tulsidas:** (a) Will the Minister of **Railways** be pleased to state whether it is a fact that Railway freight rates include terminal charges which are levied on account of terminal facilities given?

(b) If the answer to part (a) above be in the affirmative, are Government aware that these are charged even in cases where no terminal facilities are given, and are not refunded on demand?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) There is no traffic, on which terminal facility in some form or other is not provided and as such, the question of granting refund does not arise.

ABSORPTION OF STAFF OF MERGED RAILWAYS

*573. **Shri Tulsidas:** (a) Will the Minister of **Railways** be pleased to state whether all the staff of the merged railways have been absorbed by now?

(b) If not, what is the present position?

(c) How do Government propose to solve the problem?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) and (c). Do not arise.

TRAVELLING ALLOWANCE TO RAILWAY STAFF

*580. **Shri Nambiar:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that class IV staff of the Railways are not given increase in T.A. in spite of the merger of D.A. with pay and if so, the reasons therefor;

(b) whether it is a fact that the merged D.A. is not taken into consideration for the grant of consolidated monthly T.A. of the Travelling Ticket Examining Staff of the Southern Railway and if so, the reason for the same; and

(c) whether any uniform procedure is being followed in the grant of T.A. on account of merger of D.A. and if not, the reasons for the same?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. The rate of Travelling Allowance for Class IV Staff is not based on pay.

(b) Yes. The travelling Ticket Examiners of the ex-S.I. Railway section of the Southern Railway, who elected consolidated travelling allowance in lieu of travelling allowance under ordinary rules, irrespective of the pay drawn by them are being paid a consolidated travelling allowance at a fixed rate.

(c) Yes. Where the rates of Travelling Allowance are based on pay, Dearness Allowance merged in pay is also treated as pay for determining the rates of Travelling Allowance.

FISHING

*582. **Shri Buchhikotaiah:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact, that Government are making experiments in the Japanese methods of catching fish;

(b) if so, what experiments were done and what is their progress; and

(c) whether any technician from Japan has come to India?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) If by the Japanese method of catching fish is meant "bull-trawling", the answer is in the affirmative.

(b) It has not so far been tried but will commence shortly.

(c) Yes.

PROCUREMENT OF RICE

***583. Shri B. K. Das:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) what quantities of rice have been procured from different States during the year 1953;

(b) which States have exceeded or fallen short of their targets and for what reasons; and

(c) what quantities of rice have been given to the Central pool by the different States from their own procurements?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) A statement is placed on the Table of the House showing quantities of rice procured by different States since 1st January, 1953 upto about the 14th November, 1953. [*See* Appendix III, annexure No. 39.]

(b) Assam, Madhya Pradesh, Orissa, Uttar Pradesh, Himachal Pradesh and Tripura States have already exceeded their targets. As the year has not come to a close it is not yet possible to say definitely which States will ultimately fall short of the target.

(c) A statement is placed on the Table of the House. [*See* Appendix III, annexure No. 40.]

PRICE OF SUGAR-CANE

***589. Shri Sinhasan Singh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether, while fixing the price of sugar-cane at Re. 1/7/- per maund for the years 1953-54 and 1954-55, freedom has been given to factories to increase this rate if there is a justifiable demand; and

(b) if so, in which of the States the rates have increased above Re. 1/7/-?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes. The Government fixes only the minimum price of cane. The factories are free to pay higher prices.

(b) The position will be known only at the close of the season.

OIL TANK WAGONS

***590. Dr. Amin:** Will the Minister of **Railways** be pleased to state:

(a) the number of Oil Tank Wagons for the Broad Gauge, Metre Gauge and Narrow Gauge Railways imported or constructed by Railway administration during January to October 1953; and

(b) the number of such wagons proposed to be imported or constructed during the remaining period of 1953?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) The number of tank wagons constructed in India or imported from abroad during January to October 1953 is as follows:—

Broad Gauge ...	224
Metre Gauge ...	233
Narrow Gauge ...	10

(b) About 50 more petrol tank wagons (30 Broad Gauge and 20 Metre Gauge) are expected to be constructed in India during the remaining period of 1953. None are expected to be imported during this period.

LOCOMOTIVES

***593. Shrimati Tarkeshwari Sinha:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Railway Board has placed a large order for locomotives from foreign countries;

(b) if so, the estimated cost of the locomotives that are to be purchased; and

(c) the names of the countries with which orders have been placed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, orders have been placed for 480 locomotives.

(b) Rs. 21·46 crores approximately.

(c) Western Germany, Japan, Austria and Italy.

MAJOR PORTS

*595. **Dr. Ram Subhag Singh:** Will the Minister of **Transport** be pleased to state:

(a) the name or names of major ports for whose development and improvement programmes have been finalised; and

(b) the estimated cost of developing those ports?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement giving the information is laid on the Table of the House. [*See* Appendix III, annexure No. 41.]

SUGAR (PRODUCTION)

*596. **Shri Bhagwat Jha:** (a) Will the Minister of **Food and Agriculture** be pleased to state the estimated quantity of production of sugar in the coming season?

(b) What would be the approximate quantity of sugar needed for consumption in the year 1953-54?

(c) Is it a fact that consumption habit of people has gone up?

(d) If so, what steps do Government propose to fill up the gap?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Between 12 and 13 lakh tons.

(b) Between 16 and 17 lakh tons.

(c) Yes.

(d) By imports until production is stepped up.

MICA MINES LABOUR WELFARE FUND

*597. **Shri Veeraswamy:** Will the Minister of **Labour** be pleased to state:

(a) what is the balance at present of the Mica Mines Labour Welfare Fund;

(b) what are the amenities provided to the labourers with the aid of that Fund;

(c) whether the unspent balances secure any interest and if so, what is the amount of accumulated interest; and

(d) how the investment is made?

The Minister of Labour (Shri V. V. Giri): (a) About Rs. 1·16 crores on 31st March 1953.

(b) Medical, educational, recreational, housing, and drinking water facilities are being provided to the miners. Detailed information is contained in the annual reports of the activities of the Fund published in the *Gazette of India* each year, copies of which are supplied to the Parliament Secretariat for distribution to the members.

(c) No. The Mica Mines Labour Welfare Fund Act, 1946, does not provide for investments being made. The question of amending the Act is under consideration.

(d) Does not arise.

PERAMBUR COACH-BUILDING FACTORY

*598. **Shri Veeraswamy:** (a) Will the Minister of **Railways** be pleased to state at what stage the construction of the coach-building factory at Perambur is at present?

(b) How is the recruitment of staff made and whether there is any reservation for Scheduled Castes?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Nearly 30 per cent. of the construction work of the Buildings has been completed.

(b) Direct recruitment for categories in Class III Service is made through the Railway Service Commission and for categories in Class IV Service recruitment is made by the local officers of the factory from amongst direct applicants and nominees of the linked Employment Exchanges. In all such cases of direct recruitment the percentages of reservation fixed by Government in favour of the Scheduled Castes and Scheduled Tribes apply.

DR. PARKER'S ASSIGNMENT

281. Shri V. P. Nayar: (a) Will the Minister of Food and Agriculture be pleased to state whether the Ministry has been loaned the services of Dr. F. W. Parker to advise the Government of India on the use of fertilizers?

(b) What is the period for which his services are loaned and what will be the overall expenses on him during his tenure in India?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Dr. Parker is assigned to the Ministry of Food and Agriculture under the Point Four Programme to advise on general agricultural matters especially in the field of agriculture extension, training, fertilisers, soil survey and soil conservation.

(b) Two years. The expenditure to be incurred by the Government of India during this period will be about Rs. 10,000.

LOSSES IN DELHI POST OFFICE

282. Shri V. P. Nayar: (a) Will the Minister of Communications be pleased to state whether there were any losses in the General Post Office, Delhi during the period from the 23rd November, 1949 to the 1st March, 1952?

(b) If so, what is the total amount of loss?

(c) Have Government enquired into the causes of the losses and fixed the responsibility on any particular officer or officers?

(d) If so, who are they?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Rs. 22,952/8/-.

(c) Yes.

(d) 1. Shri Mukund Behari Lal (Clerk).

2. Shri Tirlok Nath (A.P.M.).

3. Shri Anand Sarup (clerk S.B.).

4. Shri Durga Dass (A.P.M.).

5. Shri Ram Chand (H.C.).

6. Shri Prem Nath (clerk S.B.).

7. Shri Raghunandan Lal (clerk).

8. Shri Manohar Lal (Supervisor).

9. Shri Abid Hussain (S.P.M.).

10. Shri Parmeshwari Das (Cash Overseer).

11. Shri Brahm Rishi (clerk).

12. Shri Prem Narain Khanna (Postman).

13. Shri Moti Ram (Cashier).

14. Shri Harbans Lal (Postman).

Shri Anand Sarup (clerk) is under trial in Court.

MALARIA ENGINEER

283. Shri V. P. Nayar: Will the Minister of Health be pleased to state what are the terms and conditions under which Mr. Fred W. Knipe, Malaria Engineer, has been assigned to India?

The Minister of Health (Rajkumari Amrit Kaur): The Medicine and Public Health Division of the Rockefeller Foundation, upon the request of the Government of India, was pleased to assign Mr. Fred W. Knipe, Public Health Engineer, to the Malaria Institute of India, Delhi, effective on the 11th October, 1952, for a period of approximately two years on the following terms and conditions:—

(1) The salary of Mr. Knipe and all his travel expenses in India and otherwise, will be paid by the Foundation.

(2) While it is expected that Mr. Knipe will be associated with the Malaria Institute of India for a minimum period of two years, it is understood that he may be recalled by the Foundation before the expiration of this period.

(3) The Malaria Institute of India will provide Mr. Knipe with suitable private office facilities, including furniture, the

services of a stenographer and such office supplies and equipment as he may require.

(4) The Directorate-General of Health Services will use its good offices to assist Mr. Knipe to secure suitable living accommodation for himself and his family.

(5) Mr. Knipe will be responsible solely to the Director of the Institute for the assignment of duties and for reporting the execution of responsibilities.

(6) In general, Mr. Knipe's duties will be advisory, instructional and investigative, not supervisory, and will fall within the following categories:—

(a) Instruction of regular and special classes of students whose training is the responsibility of the Malaria Institute of India, in Delhi or elsewhere.

(b) Investigation of malaria control problems anywhere in India where the advice of the Malaria Institute of India is sought, and to give his opinion to the Director as to the control methods which should be applied to such problems. The appropriate administrative clearance for such investigations, with State Governments or otherwise, will be the responsibility of the Director of the Malaria Institute of India.

(c) To conduct investigations on the application of insecticides and on equipment for the application of insecticides, including plans for the manufacture of equipment for insecticide application in India. The funds for such investigations will be supplied by the Malaria Institute of India; however, upon recommendation by Mr. Knipe, the Foundation will consider an application for a grant in aid to support investigative work that cannot be financed by the Malaria Institute of India.

(d) To assist the Director of the Malaria Institute of India in the organisation and development of a malaria control engineering service within the administrative frame work of the Institute.

CENTRAL ROAD FUND

284. Pandit D. N. Tiwary: Will the Minister of Transport be pleased to state:

(a) the income in 1952-53 from the Central Road Fund; and

(b) the allotment made to States in 1952-53 from the Central Road Fund reserve?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Rs. 5·20 crores, approximately.

(b) A statement giving the information required is attached. [*See* Appendix III, annexure No. 42.]

CONFIRMATION OF EMPLOYEES IN HYDERABAD CIRCLE

285. Shri T. B. Vittal Rao: Will the Minister of Communications be pleased to state:

(a) the number of employees in the Postal Department in Hyderabad Circle, who have put in more than five years' continuous service and have not yet been confirmed;

(b) the number of those confirmed between 1st April, 1953 and 30th September, 1953;

(c) the percentage of the employees who are still temporary; and

(d) the reasons for which they have not been confirmed so far?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 75.

(b) Nil.

(c) 41·2 per cent.

(d) In the Hyderabad Postal subcircle there are several categories of temporary officials *e.g.* *ex*-State officials, regular P. and T. officials, officials on deputation from other P. and T. circles, and from other departments of the *ex*-State systems.

The claims of all these officials for confirmation have to be considered. Further, the question of fixation of seniority of *ex*-State officials *vis-a-vis* regular P. and T. officials is still under consideration.

QUARTERS FOR HYDERABAD CIRCLE EMPLOYEES

286. **Shri T. B. Vittal Rao:** Will the Minister of **Communications** be pleased to state:

(a) the number of employees of the Post and Telegraph Department in Hyderabad circle who have been provided with quarters;

(b) the number that have not yet been allotted quarters;

(c) whether there is any proposal to construct quarters for the employees; and

(d) if so, the number proposed to be constructed during 1953?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 393.

(b) A large majority of the employees are employed in rural areas and out of the rest many have their own houses. The total number of employees without Government quarters is 3,802.

(c) Yes.

(d) Three sets of quarters will be under construction one of which will be completed before the end of the calendar year 1953.

WORKING HOURS OF RAILWAY MAIL EMPLOYEES

287. **Sardar A. S. Saigal:** (a) Will the Minister of **Communications** be pleased to state what are the actual working hours for the Railway Mail employees?

(b) Is any allowance given for the extra work which they put beyond 8 hours?

(c) If so, what is that amount?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The prescribed duty hours vary from 30 to 36 hours per week in the case of staff doing sorting work in trains, and 48 hours per week in the case of staff working in stationary offices. The actual working hours are fixed according to the requirements of each case.

(b) and (c). Orders regarding grant of overtime allowance to R.M.S. employees and to staff in Departmental Motor Service have been published in the Director-General's Circular No. 24, dated 20th December, 1952, copies of which are already available in the Library of the Parliament.

TICKETLESS TRAVELLING

288. **Shri Sanganna:** Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that ticketless travelling on the Parlakimedi Light Railway (Orissa) is increasing; and

(b) if the answer to part (a) above be in the affirmative, what preventive steps have been taken by Government in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A recent review of the position does not indicate that there has been any appreciable increase in ticketless travel on the Parlikimedi Light Railway. Actually, the proportion of passengers travelling without tickets on this railway to those travelling with tickets is about 1 to 300.

(b) Railways have been recently asked to locate sections where excessive ticketless travel may be rampant, and to eradicate it by means of concentrated special checks, employing additional staff for this purpose wherever necessary.

GODOWNS

289. **Shri Dasaratha Deb:** Will the the Minister of **Food and Agriculture** be pleased to state:

(a) the number of Government godowns for stocking paddy and rice in each Division of Tripura;

(b) whether it is a fact that in view of transport difficulties, the Divisions of Kailasahar, Khowai, Amarpur, Kalyanpur require more godowns; and

(c) if so, what steps Government propose to take in the matter?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) There are 36 Government godowns with a total capacity of 3,942 tons and the district-wise break-up is as follows:

	No. of Godowns	Capacity in tons.
Agartala (Sadar Sub-Division).	7	2000
Sonamura (Sub-Division)	7	300
Udaipur ,,	3	58
Belonia ,,	5	555
Sabroom ,,	2	72
Khowai ,,	1	340
Kamalpur ,,	3	115
Kailasahar ,,	5	247
Dharmanagar ,,	3	255
TOTAL	36	3942

(b) No.

(c) Government will take steps to have more godowns whenever necessary, and there should be no difficulty as other godowns are reported to be available in the different sub-divisions of the State.

REFRESHMENT ROOMS

290. Shri Veeraswamy: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that cleaning work in Indian Refreshment rooms has been given to contractors on the Southern Railway; and

(b) if the answer to part (a) above be in the affirmative, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, the cleaning work in the Indian Refreshment Rooms run departmentally on the Southern Railway has been entrusted to contractors.

(b) This has been done to effect economy in the working of departmental catering and to reduce the heavy loss at present being sustained on this catering.

DRINKING WATER ON RAILWAY STATIONS

291. Shri R. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) the additional number of Railway Stations between Delhi and Jhansi where drinking water is provided to passengers since April, 1953;

(b) the number of Railway Stations where the drinking water is still unavailable on the Central Railway line in between Delhi and Jhansi; and

(c) how long it will take to provide this amenity of drinking water at every station?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Drinking water was supplied at all stations between Delhi and Jhansi even prior to April, 1953. Since 1st April, 1953, however, and for the duration of the hot weather, additional watermen were posted at 45 stations between Delhi and Jhansi as indicated in the enclosed statement. [*See* Appendix III, annexure No. 43.]

(b) There is no station between Delhi and Jhansi where drinking water is still not available.

(c) Does not arise.

TELEGRAPH OFFICES IN MADHYA BHARAT

292. Shri R. C. Sharma: Will the Minister of **Communications** be pleased to state:

(a) the names of places in Madhya Bharat where post and telegraph offices have so far been opened during the year 1953-54; and

(b) whether the Government of Madhya Bharat have made any proposal to open telegraph offices in the disturbed areas of Morena and Bhind?

The Deputy Minister of Communications (Shri Raj Bahadur): (a)

1. Bamore.
2. Mungaoli.
3. Baghana.
4. Neemuch City.

(b) No. Requisitions were, however, received from other sources for opening telegraph offices at the following places:

Bijeypur Ambah	Morena District.
Gohad Lahar Attair Mehgoan	Bhind District.

The guarantee terms for opening these offices have been communicated to the Madhya Bharat Government, whose reply is awaited.

RAILWAY ACCIDENTS

293. Shri K. C. Sodhia: (a) Will the Minister of Railways be pleased to state the total number of major Railway accidents during 1952-53?

(b) What was the total of fatalities and major injuries caused in these (i) to the Railway staff and (ii) to the general public?

(c) What was the total compensation paid?

(d) In how many of these were the accidents due to the negligence of Railway staff?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The number of major railway accidents *i.e.,* accidents to trains carrying passengers which have resulted in the death of a number of persons in each case, which occurred on the Indian Railways during the year 1952-53, was three.

(b) (i) Two railway staff and 51 others died; and

(ii) Two railway staff and 35 others sustained grievous injuries.

(c) The total compensation so far paid amounts to Rs. 2,09,140.

(d) In one case only.

Acc. No. 25 [illegible]
Dated 25.11.2

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Thursday, 3rd December, 1953

The House met at Half Past One of the Clock.

[MR. SPEAKER *in the Chair.*]

QUESTIONS AND ANSWERS

(*See Part I*)

2-30 P.M.

DEATHS OF CAPT. HIRA SINGH AND DR. J. C. CHATTERJEE

Mr. Speaker: I regret to inform the House of the sad demise of two friends, *viz.* Capt. Hira Singh and Dr. J. C. Chatterjee.

Capt. Hira Singh who passed away on the 29th November, 1953 in Moga at the age of 88, was a member of the old Central Assembly from 1924 to 1932. He was founder of several schools and was well known for his social reform work.

Dr. Chatterjee passed away on the 2nd December, 1953 in Delhi at the age of 65. He was a member of the old Central Assembly from 1928 to 1946 and was a well-known educationist.

We mourn the loss of these friends and I am sure the House will join me in conveying our condolences to their families. The House may kindly stand in silence for a minute to express its sorrow.

MESSAGES FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following two messages received from the Secretary of the Council of States:—

(i) "I am directed to inform the House of the People that the Coir Industry Bill, 1953, which was passed by the House of the People at its sitting held on the 19th November, 1953, has been passed by the Council of States at its sitting held on the 2nd December, 1953, with the following amendment:—

"That in sub-clause (4) of clause 17 of the Bill for the words the House of the People" the words "both Houses of Parliament" shall be substituted."

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 126 of the Rules of Procedure and Conduct of Business in the Council of States with the request that the concurrence of the House of the People to the said amendment be communicated to the Council."

(ii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy

[Secretary]

of the Forward Contracts (Regulation) Amendment Bill, 1953, which has been passed by the Council of States at its sitting held on the 2nd December, 1953."

COIR INDUSTRY BILL AND FORWARD CONTRACTS (REGULATION) AMENDMENT BILL.

Secretary: Sir, I lay on the Table of the House the Coir Industry Bill, 1953 which has been returned by the Council of States with an amendment. I also lay on the Table the Forward Contracts (Regulation) Amendment Bill, 1953 as passed by the Council of States.

BANKING COMPANIES (AMENDMENT) BILL

Clause 10.—(*Substitution of new Part for Part IIIA in Act X of* 1949)

Mr. Speaker: The House will now proceed with the further consideration of the Bill further to amend the Banking Companies Act, 1949. Clause 10, Part 45K is under discussion.

I believe the House has taken more than two days for discussion of this Bill, and in view of the legislative business before the House and the time table as recommended by the Business Advisory Committee I hope the House will now proceed more quickly with this. There was an extension of fortyfive minutes yesterday beyond the time fixed by the Business Advisory Committee. I think we might finish the clauses in half an hour and then for the remaining half an hour there might be the reply and the third reading.

The Deputy Minister of Finance (Shri A. C. Guha): I won't take much time. I have got three official amendments.

Mr. Speaker: In any case, we finish the Bill by 4 o'clock. So the time will be up to 4 o'clock and at 4 o'clock we finish the Bill.

Clause 10 is under consideration. Part 45K.

Shri A. C. Guha: For Part 45K I have one amendment—amendment No. 3.

Some Hon. Members: We can't hear him.

Mr. Speaker: That is because people are going out and there is noise.

Shri K. K. Basu (Diamond Harbour): The House may then adjourn for three minutes to enable Members to go out.

Mr. Speaker: No, no. Members must go out quietly. The House cannot adjourn to allow Members to make noise.

Shri A. C. Guha: I beg to move:

In page 9, line 48, *after* "may" *insert* "also".

Sir, this is simply to clarify the meaning and the purpose of the clause.

Mr. Speaker: The question is:

In page 9, line 48, *after* "may" *insert* "also".

The motion was adopted.

Mr. Speaker: The next is amendment No. 28 by Shri T. K. Chaudhuri. He is not present. I will put it to the vote of the House.

The question is:

In page 10, line 9, *after* "director" *insert* a comma and "official".

The motion was negatived.

Mr. Speaker: The next is amendment No. 52 by Shri Tulsidas.

The question is:

In page 10,

(i) line 40, *omit* "civil"; and

(ii) *omit* lines 41 and 42.

The motion was negatived.

Mr. Speaker: The next is amendment No. 14, again by Shri Tulsidas.

The question is:

> In page 11, lines 17 and 18, *for* "twelve years from the date of the accrual of such claims" *substitute* "as provided in the Indian Limitation Act, 1908 (IX of 1908)".

The motion was negatived.

Mr. Speaker: The next is amendment No. 4, Government amendment.

Shri A. C. Guha: Sir, this is also only to remove some doubts about the real purpose and meaning, and we want to clarify the meaning. This is also a verbal change.

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri R. K. Chaudhuri (Gauhati): Sir, the hon. Minister in the course of his reply to the debate on the consideration of this Bill was pleased to say that so far as the limitation was concerned he would make certain modifications as regards the descendants or the heirs of the director himself.

Shri A. C. Guha: I have not said anything like that. What I have said is that as far as his personal liability is concerned, such as loans taken from the Bank, that surely will go down to his descendants. But, if there is any liability as a Director, that will cease; because that is his personal liability and perhaps no property is attached.

Shri R. K. Chaudhuri: Can this amendment help us?

Shri A. C. Guha: No, no. This amendment has nothing to do with that. This amendment makes the purpose of the clause clear beyond ambiguity so that there may not be any doubt about there being no limitation as regards his contractual liability to the bank.

Pandit Thakur Das Bhargava (Gurgaon): So far as the provisions of this section go, they do not fully carry out the intention of the hon. Mover of this Bill. He has stated that so far as the personal liability of the director is concerned, the director alone and his property will be responsible whereas in regard to other contracts, etc., in case of his death, his descendants will also be responsible. That is not carried out by the provisions of this Bill.

Shri A. C. Guha: That is already implied and clear in the wording of the Bill. Very recently, after the promulgation of the Ordinance, there was a reference in the Calcutta High Court as to the real meaning of this clause. To make it clear beyond any doubt or ambiguity, that his contractual liability will have no limitation, that this provision is introduced.

Pandit Thakur Das Bhargava: But, the words are quite different. The words 'contract, express or implied'. There is no question of personal liability. etc., so far as the wording is concerned.

Shri R. K. Chaudhuri: That should be clear by an amendment.

Mr. Deputy-Speaker: I do not think that what has been said relates to this amendment.

Shri K. K. Basu: That is generally on the clauses.

Mr. Deputy-Speaker: The question is:

> In page 11, line 19, *for* "shall, as far as may be," *substitute* "in so far as they relate to banking companies being wound up shall also".

The motion was adopted.

Mr. Deputy-Speaker: The next amendment is No. 9.

The question is:

In page 13, (i) *after* line 12, *insert*—

Shri U. M. Trivedi (Chittor): Yesterday we were going clause by clause. We were discussing 45J.

Mr. Deputy-Speaker: Of all the amendments that have been moved, only one has been left. I will put it to the vote of the House.

Shri Tulsidas (Mehsana West): May I move my amendment No. 14, Sir. That is to clause 45O.

Mr. Deputy-Speaker: That has been moved and lost.

Shri Tulsidas: Not put, Sir.

Mr. Deputy-Speaker: The hon. Member was not here when it was called. All amendments that the hon. Members wanted to move have been treated as moved when they gave the numbers of the amendments yesterday. One after the other, the Speaker called out. The hon. Member was not in his seat at that time. It was put to the House and declared lost. The only amendment that remains is amendment No. 5 moved by the Government. I shall place it before the House. Thereafter, on any other items with respect to which some hon. Members may like to speak, I shall allow them.

The question is:

In page 13,—

(i) *after* line 12, *insert*:

"45V. *References to directors etc. shall be construed as including references to past directors etc.*—For the removal of doubts it is hereby declared that any reference in this Part to a director, manager, liquidator, officer or auditor of a banking company shall be construed as including a reference to any past or present director, manager, liquidator, officer or auditor of the banking company."

(ii) In lines 13 and 16, *for* "45V" and "45W" *substitute* "45W" and "45X" respectively.

The motion was adopted.

Mr. Deputy-Speaker: What is the point on which any hon. Member wants to speak?

Shri Tulsidas: Are you on clause 45O or 45U, Sir?

Mr. Deputy-Speaker: All the amendments have been disposed of. If they have to speak on any particular point not placed before the House, they may speak. The amendments are not there. They have all been disposed of.

Shri Tulsidas: I want to know whether you are on clause 45O.

Mr. Deputy-Speaker: We have come to the end of clause 45X.

Shri Tulsidas: With regard to clause 45O sub-clause (2), it is based on proposal No. 69 of the Committee. It states that no length of time should operate as a bar to a claim by a banking company against a director if it arises out of contractual liability and as regards all other claims of banking companies against directors, a period of at least 12 years limitation should be fixed. According to this proposal, a banking company's claim against a director for a call or enforcement of any contractual liability, will not be barred even if it is after 20 or 30 years. Such a provision, in my opinion, is rather unjust, because, after a certain time, the person to whom the liability is attached may not have any evidence left, which he may produce to show whether there is any claim against him or not. There must be some time limit for the enforcement of any contractual liability. I do not understand why the Indian Limitation Act is not applied and no limitation is put on this particular clause. It is rather unfair and unjust that a person should have an unlimited liability, for any length of time. It may be that a person has no evidence left or he may die and his heirs may be inheriting certain claims that they do not know. I do not know how it will affect even the

Estate Duty Act. There should be some limitation. There is the Indian Limitation Act. If we are going to bypass the Limitation even in this sort of legislation, I think it would be unjust and unfair.

Section 45N deals with appeals and provides that no appeal can be filed from the decision in a civil proceeding under this Act when the value of the subject matter is Rs. 5,000 or less. There is no reason why this pecuniary limit should be fixed. Sub-section (2) provides that an appeal against an order under the penal section 45J would only lie if the High Court so provides. In any case, the person must be given a chance of appeal. Even if a man is convicted of murder, the man is given a chance to appeal. I do not see any reason why here no appeal should be allowed. Whether it is right or wrong, let him have a right of appeal. It is stated here that no appeal lies and only if the High Court allows, an appeal will be allowed. These are two points on which I feel that the provisions are unjust. We should allow an appeal and particularly add a provision for limitation.

पंडित ठाकुर दास भार्गव : यह जो क्लाज़ १० जिसको इस वक्त डिसकस किया जा रहा है इसकी चन्द बातें हाउस में डिसकस की जा चुकी हैं । उसी के बारे में मैं चन्द बातें अर्ज करना चाहता हूं ।

इस कानून में जो सिविल ला है और जो क्रिमिनल ला है उसकी और दूसरे कानूनों की बहुत सी ब्रांचेज़ आ गयी हैं । यह एक अजीब कानून है । मैं, जैसा कि कल फरमाया गया, यह मानने के लिये तैयार हूं कि बहुत से दगाबाज़ लोगों ने दूसरे लोगों को तकलीफ पहुंचाई है और उन को सजा मिलनी चाहिये । मैं यह भी मानता हूं, जैसा कि कहा गया है, कि यह गैरमामूली हालात हैं इसलिये मामूली कानून से काम नहीं चल सकता । लेकिन मेरी यह गुज़ारिश है कि अब हम जो कानून बना रहे हैं बैंकिंग कम्पनीज़ के मुताल्लिक वह इस कदर सख्त हैं और इस कदर कानून के मुखालिफ हैं कि इसको हमारे लिये हज्म करना मुश्किल है । कल सेक्शन जे (45J) में जो कानून बना वह यह था कि किसी भी मुकदमें में कहीं कोई हाईकोर्ट का जज तहकीकात करता हो और अगर वह इस नतीजे पर पहुंचे कि किसी शख्स ने कोई खराबी की है तो वह खुद ही उस खराबी को महसूस करता है और कहता है कि खराबी की गयी है और खुद ही जज बन जाता है और एक समरी तरीके से सज़ा दे देता है ।

मैं अदब से अर्ज करूंगा कि यह जस्टिस के फंडामेंटल असूल जो किसी भी सिविलाइज़्ड कंट्री में होते हैं उन के बरखिलाफ है । यह सारा का सारा कानून उन के बरअक्स है । जनाब वाला मुलाहज़ा फरमावेंगे कि क्रिमिनल प्रोसीज्योर कोड की दफ़ात १९० सी, १९१ और ५५६ में दर्ज है कि अगर कोई अफसर खुद मुकदमा बनावे या उस के हुक्म से मुदकमा बने तो वह मुलजिम से पूछेगा, तुम मुझ से मुकदमा कराना चाहते हो या नहीं । ५५६ दफे के मूजिब एक्साइज कमिश्नर या कलेक्टर की अदालत में अगर एकसाइज़ का मुकदमा हो तो वह बड़े अफसर की इजाज़त के बिना मुकदमा नहीं सुन सकता और वह मुलजिम से पूछता है कि तुम मुझ से मुकदमें का फैसला कराना चाहते हो या नहीं । क्योंकि कानून की निगाह में वह अफसर interested है । यह मामूली कानून में हक दिया गया है कि अगर जज का कोई इंटरेस्ट हो तो वह उस मुकदमे को नहीं सुन सकता । यहां यह कहा गया है कि यह मुकदमा हाई कोर्ट के जज के सामने आवेगा ।

[पंडित ठाकुर दास भार्गव]

मैं हाई कोर्ट के जज की इज्ज़त करता हूं, लेकिन उस को मैं कोई बेखता (infallible) खुदा नहीं समझता कि वह कोई ग़लती नहीं कर सकता । जैसे और कोई इनसान ग़लती कर सकता है उसी तरह हाई कोर्ट के जज से भी ग़लती हो सकती है । यहां इस कानून में यह रखा गया है कि हाई कोर्ट ही मुकदमा दायर करेगी और उस के सामने जब कोई शख्स बतौर मुलज़िम के पेश होगा तो उस का फ़ैसला हाई कोर्ट ही करेगी । फिर उस में गवाही देना, न देना यह भी हाई कोर्ट ही तय करेगी । अपील उस की करनी होगी या नहीं इस अमर का भी फ़ैसला हाई कोर्ट ही करेगी । यह इस तरह के अख्तियारात इस कानून में रखे गये हैं जो मेरे ख्याल में किसी भी कानून में नहीं मिल सकते । इस तरह के प्रावीजन्स किसी भी तरह के मुकदमें में लागू नहीं होते, मार्शियल ला में भी यह इस तरह की चीजें नहीं हैं । मैं अदब से अर्ज करूंगा कि हर चीज की हद होती है ।

बेशक, गुहा साहब ने फरमाया कि पहले सन् १९४८ में ऐसा कानून पास कर दिया गया है । इसलिये कोई नयी बारबैरिज्म इंट्रोड्यूस नहीं हो रही है । लेकिन बारबैरिज्म के रिपीट करने से वह कोई अच्छी चीज नहीं हो जाती । अगर सन् १९४८ में ग़लती की तो कोई वजह नहीं है कि हम फिर उस तरह की ग़लती करें और इस तरह का कानून पास किया जाय । मैं अदब से पूछना चाहता हूं कि इस तरह के तमाम अख्तियारात एक शख्स को देने का कानून क्या किसी और जगह भी मौजूद है । एक ही शख्स दावा करे, वही उसके फैसले के लिये जज बन जाय, खुद ही गवाह बन जाय, दूसरी गवाही आने की इजाजत न हो, अपील की इजाजत न हो, इस तरह का कानून न तो सुना गया और न देखा गया । इसलिये बावजूद इस कदर गुस्से के और परेशानी के जो कि हर मैम्बर पार्लियामेंट को है, उन लोगों के खिलाफ़ जिन्होंने कि बेइमानी कर के लोगों का रुपया हड़प लिया है, जो छोटे लोगों का रुपया खा गये हैं, बावजूद इन सब बातों के कम अज कम यह इस में तय कर दिया जाय कि यह कानून हमेशा के लिये लागू नहीं होगा । अगर कानून की सख्त जरूरत है तो इस में टाइम दे दिया जाय और इस कानून को हमेशा के लिये न रखा जाय । गो मैं इस टाइम की मीआद देने को भी ग़लत समझता हूं । सारी जायदाद अटैच कर ली जाय, सिर्फ *prima facie* होने से यह इस तरह का कानून है जिस की ताईद करना मुश्किल है । मैं समझता हूं कि इस कानून पर जितनी तवज्जह देनी चाहिये थी वह नहीं दी गयी और मैं नहीं चाहता कि हिन्दुस्तान में आने वाली नस्लें जब इस को पढ़े तो कहें कि यह किस तरह का कानून है । इसलिये मैं अदब से अर्ज करना चाहता हूं कि अगर इस कानून को रखना ही है तो यह कर दीजिये कि इस को एक या दो साल के वास्ते रखा जायगा, जब तक कि यह खराबी है, जो बैंकों में खराबी आ गयी है उस के लिये जब तक वह खराबी रहेगी, तब तक यह कानून रहेगा । गो यह भी मैं समझता हूं कि एक्सप्रोप्रियेशन की तजवीज है, ग़लत तजवीज है । मैं नहीं चाहता कि एक दिन के वास्ते भी हमारे देश के किसी जज को हाई कोर्ट के जज को या किसी को भी इस कदर आरबिट्रेरी पावर्स दी जायं, और ऐसा कानून पास किया जाए । मैं निहायत जोर से और बड़े जोर से प्रोटैस्ट करता हूं कि ऐसा कानून हाउस में पेश किया जाए और पास किया जाए । यह सारा सैक्शन ऐसा है जिस को कि रीकास्ट करने की जरूरत है और रिमोल्ड करने की जरूरत है और हम इस को इस शक्ल में पास नहीं कर सकते ।

Shri Kasliwal (Kotah-Jhalawar): Mr. Deputy-Speaker ...

Shri R. K. Chaudhuri: May I ask —the hon. Law Minister is fortunately here today—whether it is in consonance with any civilised constitution to make a Court before whom an offence is committed the Court of trial and also allow that Court to lay down whether an appeal should lie or not? The High Court shall try the case, but we will say whether the appeal lies or not. The High Court will say whether the case can be tried summarily or not. In the ordinary Criminal procedure we find that the law lays down what cases can be tried summarily. It lays down to what Court an appeal should lie. Can the High Court, under the rules, prescribe that an appeal should lie in particular cases and should not lie in particular cases. That should be done by the legislator. The High Court cannot usurp the function of the legislator.

The Minister of Law and Minority Affairs (Shri Biswas): I do not know why I should be called upon to answer that question, but it has a very simple answer. It is the Legislature which is vesting the High Court with these powers and the High Court will only be exercising those powers which the Legislature gives it.

Shri Kasliwal: I will just take a minute, Sir.

Mr. Deputy-Speaker: He will have his turn. Mr. Trivedi.

Shri U. M. Trivedi (Chittor): I do not want to repeat what yesterday I had said.

Shri R. K. Chaudhuri: I want to raise a point of order in this matter. The point of order is that yesterday when we were discussing...

Shri A. C. Guha: Is this the third reading stage or Clause by Clause discussion?

Shri Jhunjhunwala (Bhagalpur Central): We are discussing Clause by Clause.

Mr. Deputy-Speaker: We are discussing Clause by Clause.

Shri A. C. Guha: 45J was over yesterday.

Mr. Deputy-Speaker: We are now on 45O

Shri R. K. Chaudhuri: I wanted to raise one point of order which will be relevant both for this and subsequent clauses. When there was discussion of 45J it was pointed out to us that the provision which we were complaining about was already in the old Banking Companies Act. In 45S and 45T also it has been stated that the same provisions have been reproduced here. What is the position if the same provision is reproduced now? Is this House competent to give an opinion or is it bound by the same provision which is already in the law. There cannot be two similar provisions in the same Act. In the Banking Companies Act there is a provision under 45J—I am giving an illustration to a certain effect, and now in the Banking Companies (Amendment) Bill, the same thing has been reproduced under another Clause.

Mr. Deputy-Speaker: This will prevail. It is said earlier that notwithstanding any other thing elsewhere which is inconsistent with this, this alone will prevail.

Pandit Thakur Das Bhargava: That is in 45A.

Shri S. S. More: Of this new Chapter.

Mr. Deputy-Speaker: Clause 45A reads:

> "The provisions of this Part and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Indian Companies Act ... or the Code of Civil Procedure...or the Code of Criminal Procedure or any other law for the time being ... "

Therefore, if it is reproduced here...

Shri R. K. Chaudhuri: Supposing you reject this present Amendment, what will be its effect on the old provision which remains the same?

Mr. Deputy-Speaker: If it is rejected here, the other one will stand.

Shri A. C. Guha: May I submit one thing? The hon. Member ought to have read the Bill before he started his opposition. Clause 10 says:

> "For Part IIIA of the principal Act, the following shall be substituted, namely:"

So. this is in substitution of Part IIIA, but certain provisions have been kept almost as they are, and certain other provisions have been added to Part IIIA of the Banking Companies Act. It is not duplication of what is there. It is only substitution and rearrangement of what is there already in the Act.

Shri R. K. Chaudhuri: Specifically what will be its effect?

Mr. Deputy-Speaker: For the old provision ceasing this is a substitute.

Shri Debewsar Sarmah (Golaghat-Jorhat): The new order takes the place of the old.

Shri U. M. Trivedi: The provision that has been made in 45O is one which is aiming at doing a mischief. In all civilised countries, wherever there is any semblance of rule of law, you have always got a law of limitation.

Mr. Deputy-Speaker: Does limitation apply to a trustee who has misappropriated funds?

Shri U. M. Trivedi: Yes.

Mr. Deputy-Speaker: It does not.

Shri U. M. Trivedi: After he gets a discharge, it is applied.

Mr. Deputy-Speaker: Leaving alone the question of discharge...

Shri U. M. Trivedi: If he submits an account and he gets a discharge, it is applied. You cannot go to him generation after generation.

Mr. Deputy-Speaker: You can go to him under the Limitation Act.

Shri S. S. More: The beneficiary can sue the trustee.

Shri U. M. Trivedi: Not always.

3 P.M.

Apart from this question, the position is this. Two words have been used which are of greater import than merely calling upon a director to pay moneys that are due for calls,—namely, the provision in the proposed Section 45O (2) is that there will be no period of limitation for the 'enforcement by the banking company against any of its directors of any claim based on a contract, express or implied'. By means of an amendment that has been proposed now, even those who had at one time been directors of such a banking company will also be roped in. In other words, it will be a sort of sin on the part of anybody to become a director of a banking company. If you want to say, that there should be an abolition of these banking institutions, as such, now that you are growing fond of some system of nationalisation, you shall nationalise everything at one stroke. and will not allow anybody to carry on the business of banking, then that is something understandable. But here when we are dealing with an ordinary commercial transaction, we should be making a provision of a civil nature for all banking companies. and not a provision of criminal law.

We are not relegating ourselves to the old days. when. because a particular man was bankrupt, he had to wear a particular type of apparel. In the year 1761, one John Perrot was hanged in England, because he was a bankrupt, and that was a pointer to the people that if any one became a bankrupt, he would be hanged. In 1832, a bankrupt had to wear a particular type of clothes, with a particular type of cap, so that every one could point to him, and say, here is a bankrupt, here is a bankrupt, and thus a bankrupt was ridiculed in the eyes of the public, in those days. If we want to go back to those times,—those golden times. because the days that are gone are always golden—let us, by all means, make laws of this character. but if we are to live in these times. when we say we are progressing, and thinking in terms of commerce, we should not make such provisions. After all, persons who enter the banking business are merely commercial people. It is true that there are some swindlers. Swindlers you will find all over, for you cannot escape them, but simply because there is one swindler, every honest man who may try to do something useful for the public, should not be punished or made to have something hanging over his head, even in respect of claims based on implied contracts. It is not merely cases of misfeasance that will be covered by this provision, but all cases

There is one other difficulty also, in this connection. If you do not provide for any period of limitation, it becomes a very very serious affair. As my hon. friend Shri Tulsidas has pointed out, how will the estate duty be calculated on such a man's estate, and who will be ultimately made to pay the calls, and from whom will the arrears be collected? When the cases go to the High Courts, the records also have to go there. But generally the records are destroyed after about 12, 15 or 20 years, whatever be the matter to which they pertain. But under this provision, for the purpose of these bankrupts, records will have to be kept for all times, so that they could be poked into at every stage, and those who at some time or other had the misfortune of being bank directors, could be proceeded against. As my hon. friend Pandit Thakur Das Bhargava has so ably put it, we are now making here criminal provisions of a type unprecedented, and the particular processes that are envisaged look to be ridiculous, and are not in consonance with any principles of jurisprudence.

Apart from that, by not providing any period of limitation, in respect of the moneys to be collected from such people, we are trying to go back to the old days, which we had carefully avoided, after the law of limitation was brought into force. As far back as the year 1832, Lord Venley, in commenting on the then bankruptcy laws observed:

> "There are few parts of our statute law, when viewed from our present state of refinement and vast mercantile prosperity, which seem so ill adapted to these objects, as our early bankruptcy acts. Everything in them was seizure, penalty and coercion. An act of bankruptcy was a crime, and the bankrupt a criminal, and instead of a system of legislation to provide for the equal distribution of the fund armed with penalties, to be inflicted in the event of fraud, it seemed as if punishment was the primary object and the distribution of the property merely secondary and consequential."

This was the position in 1832, and that is what we are trying to put before the public today, by means of this provision. If our primary object is to get the money distributed to the people to whom it is due, we must have rapid methods for realising the money and distributing it to the proper persons, and not keep in abeyance the whole thing, by having the records for all times, by going through them year by year, by setting a machinery in motion for the purpose, by keeping a paid clerk for each banking company for years to come, for this purpose and so on, simply for the sake of collecting a few annas. If there is no period of limitation, all the time the sword of Damocles will be hanging on the head of a director, who might have become a director, simply by persuasive coercion—there are many people who are approached for this purpose, because they are called great persons

[Shri U. M. Trivedi]

or because they are leaders, and people come to them and ask them:

साहब आपका नाम हो जायगा और हमारा काम भी हो जायगा, आप डायरेक्टर बन जाइए।

Such people will be made to become directors. and have been made to become directors. (*Interruptions*).

My submission is that we should not make such a provision of law as this, and I hope Government will carefully consider the matter, before they come to a final conclusion.

Shri Kasliwal: I support my hon. friend Pandit Thakur Das Bhargava, in regard to the proposed Sections 45J and 45O. I maintain that these three sections are discriminatory and militate against Article 14 of the Constitution, which provides that every citizen shall have equality before law, and equal protection of law. Are you going to provide equal protection of the law for these directors and auditors or not? They are being deprived by this provision, of the equal protection of the law of limitation, and also the Criminal Procedure Code, and other important laws. I would like to ask whether a discrimination is not being done against these people.

Shri Tek Chand (Ambala-Simla): Mr. Deputy Speaker Sir, with regard to certain misgivings and fears expressed by my hon. friends to my right, I feel that they are without justification. Particularly, when you refer to the proposed Section 45O (2), you will find that there is no period of limitation. This provision needs a certain analysis. There is no period of limitation in respect of a particular matter, *viz.* the one relating to the recovery of arrears of calls, and that too is confined to directors. In other words, if a director has held shares on which he is called upon to pay certain calls, there is no period of limitation for that purpose, and he may be called upon to pay the unpaid calls at any time. I do not see why there should be any period of limitation at all.

Mr. Deputy-Speaker: For the enforcement ...

Shri Tek Chand: For that there is 12 years. (*Interruptions*).

Mr. Deputy-Speaker: There is no period of limitation, even for that.

Shri Tek Chand: The Section 45O (2) reads:

> "...there shall be no period of limitation for the recovery of arrears of calls from any director of a banking company which is being wound up..."

That is one part of it. There can be no grievance against this, because anybody who buys part-paid shares must know that he has got a liability to meet the unpaid calls, if and when called upon to do so. Therefore, the question of limitation does not really arise. Even if the word 'shareholders' had been there, instead of the word 'directors', it would not have caused any hardship, because even a sharesolder who purchases partly paid shares is conscious of his liability, that he may be called upon to pay the balance at any time, during or before winding up. Then, in respect of 'enforcement by the banking company against any of its directors of any claim based on a contract, express or implied' also, there is no period of limitation. For that, I am *ad idem* with my learned friends that there should be a period of limitation, of 12 years.

At present where calls are made, there need not be any period of limitation, but in the case of contractual liability or other liabilities, a twelve years' period of limitation is desirable. To that extent, this provision does require a certain amount of remodelling.

Regarding 45N(1), that an appeal shall lie from any order or decision of the High Court in a civil proceeding under this Act when the amount or value of the subject matter of the claim exceeds five thousand rupees, I am of the opinion that no appeal need be provided in a case of this kind. Ordinarily, under civil law for cases involving value below Rs 5,000, no right of appeal is provided on questions of fact. The special appeal is provided by the Code of Civil Procedure only with regard to questions of law. Therefore, where a matter involving value below Rs 5,000 is being adjudicated by a High Court Judge, there the question of not allowing appeal will not result in hardship.

So far as (2) is concerned the 'High Court may by rules provide for an appeal...',—this is an objectionable feature, firstly because you are conferring upon the High Court a legislative power which is not really the just function of the High Court. (*Interruption*).

Mr. Deputy-Speaker: Are we going back to it? We have already finished with it.

Shri Tek Chand: This matter was just being raised by my hon. friend, Pandit Thakur Das Bhargava, and I wanted to say a few words about it. The hon. the Law Minister also made a mention of it.

There is one point that I wish to make. In the first place, the power of legislation should be confined to this House and the appeal should be provided if this House considers just. The provision of law, as it stands, has got another unfortunate feature. It says, "The High Court *may*....". That is to say, it is permissive to the High Court. One High Court may decide to make such a provision: another High Court may not decide to make such a provision. Therefore, the position may be that in identical cases on identical facts, one High Court provides an appeal and another High Court does not provide an appeal. This rigour, to a certain extent, could be ameliorated if instead of 'the High Court may by rules...' you had the words 'the High Court shall by rules...'. Even there, the difficulty again will be that the rule-making powers of a High Court are there; one High Court may provide one type of rules totally different from those rules provided by another High Court. Therefore, there will not be uniformity of legislation, but there will be a conflict of legislation, the conflict depending upon the rules made by one High Court in contradistinction to rules of a totally different character made by another High Court. The appropriate thing would have been for this House to provide for appeals to a Division Bench of two Judges from the orders of one Judge made under 45J. The provision of law, as it stands, is open to very serious objections, and one of those objections is that the procedure of the law is not going to be uniform in two High Courts and not going to be uniformly observed.

Shri Sarmah: Sir, it seems from the criticism of 45J, K and O offered by hon Members as if we are discussing ordinary general civil or criminal laws. When we frame legislation in respect of ordinary general laws, whether civil or criminal, these provisions would no doubt sound drastic. But, Sir, let us not forget the context in which these laws are being framed.

Now, Sir, I will particularly invite your attention to the enforcement clause in 45O (2), to which you were pleased to refer. It seems as if this enforcement is drastic, but let us look at facts—how they are shaping. After the war, so many scheduled banks failed, and in most cases the chief cause of the bank failures was that most of the directors misbehaved. They either lifted money for themselves by hook or crook or in collusion with their managers or secretaries or cashiers or with the other officers of the bank they misappropriated huge sums. Or they took commission issuing loans to undesirable persons or purchased worthless shares in the market or issued loans against such share scrips which were really not worth what they were

[Shri Sarmah]

secured for and these misdeeds were perpetrated because they were paid big discounts. In this context, we find that the directors are mostly responsible for these bank failures. Now, my learned friend, Mr. Trivedi, said that these provisions are punitive I submit, Sir...

Mr. Deputy-Speaker: Is there any limitation for the recovery of stolen property from the thief?

Shri S. S. More: No.

Shri Sarmah: Not that I know of.

Shri R. K. Chaudhuri: In civil law, there is.

Shri Sarmah: In coparcenary societies, at any rate in our State, there is no limitation. (*Interruption*). These provisions, I would submit, are not punitive. They are very salutary and desirable in the present state of our country, because these provisions will deter directors from misbehaving. I submit, Sir, that if healthy banking is to grow up in India, then such provisions are necessary. Honest people need not be afraid of these provisions. These are meant only for dishonest persons. A bank is started with some capital.. (*Interruption*). Mr. Chaudhuri ought to know that almost all the primary school teachers in 'our part of the country deposited their small savings in these banks. And when these banks failed, they all began to cry. I am simply astounded that he....

Shri R. K. Chaudhuri: On a point of personal explanation.

Shri Sarmah: No. I am not yielding. He wants to inflict a speech.

Shri R. K. Chaudhuri: The Chair has permitted me. What I wanted to point out to him was this. It is not merely directors you are dealing with. A certain man has taken a loan from a bank. The thing is going to be settled. There is this question as between the bank and an individual. A certain person has borrowed some money from the bank and he will be put under this law.

Shri Sarmah: No. You have not read it well. It applies to only the directors.

Mr. Deputy-Speaker: This refers exclusively to directors.

Shri Sarmah: Yes, that is so.

A bank is started. There is the board of directors. The public are called upon to deposit their money. The directors, truly and well, are the trustees for the public funds. Now, they dabble with the money in the bank as if it is their own property, and the bank fails.

I would tell my hon. friend Shri U. M. Trivedi that all these provisions are salutary so that Bank directors will not in future misbehave and those who misbehaved in the past should also be brought to book. If these provisions are properly followed —I hope the High Courts in different States will not be generous enough to these people—in that case, I submit, we shall have no clamours in passing this legislation.

Pandit Thakur Das Bhargava: May I put one question to my hon. friend who has just now spoken?

Mr. Deputy-Speaker: The hon. Member has put sufficient questions to the hon. Minister.

Pandit Thakur Das Bhargava: I will put questions to the hon. Minister when he finishes.

Shri A. C. Guha: I find, Sir, today that 45J is again being brought into discussion. I think I have pointed out on several occasions that the Members who become so indignant about this provision do not take care to read it carefully. I repeatedly pointed out some of their wrong assumptions and repeatedly I corrected them and still this has started. Practically the whole of this 45J is in the Indian Banking Companies Act and I do not think any acts of barbarism have been committed by the High Courts so far. So, I do not know what is the purpose of all this seemingly righteous indignation.

Shri U. M. Trivedi: Because it is righteous.

Shri A. C. Guha: Then, Sir, I come to 45O. There aagin, most of the Members have not read the provisions of the Bill carefully. The second part of 45O (2) reads—

> "and in respect of all other claims by the banking company against its directors, the period of limitation shall be twelve years from the date of the accrual of such claims."

So, as regards the contractual liabilities of the directors there shall be no limitation and as ragards other liabilities there shall be a limitation after 12 years.

Sir, even if the provision as put in this Bill appears to be somewhat harsh and rigid, I think they should take care to read the report of the Banks Liquidation Proceedings Committee and some of the papers circulated to them. If we have in our society, some modern forms of anti-social activities, we shall have to take proper measures to meet that contingency. These directors, being elected by the shareholders were squandering the depositors' money and they should be made to suffer for that. If they had squandered the money entrusted to them by the depositors they should take the responsibility of making good as much as possible of the loss which they have caused to the depositors.

Sir, I think I have nothing more to say. I admit that this is an emergency measure to meet an emergency created by some modern form of anti-social elements in our society.

Pandit Thakur Das Bhargava: May I put a question, Sir?

Mr. Deputy-Speaker: Yes.

Pandit Thakur Das Bhargava: My friend has just stated that this is an emergency legislation for an emergency. But this law is law for all times and will apply to every person who at any time helped in the formation of a banking company.

Shri A. C. Guha: And, have been irresponsibly using the depositors' money.

Pandit Thakur Das Bhargava: I will come to that. 45J says,

> "any offence alleged to have been committed by any person who has taken part in the promotion or formation of the banking company which is being wound up or by any director, manager or officer thereof."

and (2), it says—

> "may also try any other offence not referred to in sub-section (1)..."

and similarly in (4)—

> "all offences in relation to winding up alleged to have been committed by any person specified in sub-section (1)...."

Shri A. C. Guha: Sir, he is omitting the proviso—

> "Provided that the offence is one punishable under this Act or under the Indian Companies Act, 1913 (VII of 1913)."

Pandit Thakur Das Bhargava: I am very sorry that my hon. friend has not quite followed my point. At the same time sub-clauses (2) and (4) are also there. Even in regard to these offences, it is not only those persons who are actually guilty but there may be innocent people also. You are making laws not only for those who commit offences but there will be many who will have to be clapped in. The Judge will be himself the accuser and the judge and no appeals will be allowed. As was

[Pandit Thakur Das Bhargava]

pointed out yesterday, no rules were made in the Calcutta High Court, for a long time. Now for a long time these rules may not be framed and there may not be any appeals provided in particular cases when punishment is not heavy or only on points of law. I ask the hon. Mover to kindly enlighten me on the point whether this will not apply to all kinds of people who will come within the mischief of 45J (1), (2) and (4).

Shri A. C. Guha: I can only say that this is practically a reproduction of the existing provision. (*Interruption.*) No harm has been committed under this provision so far.

Pandit Thakur Das Bhargava: Sir, child marriage and infanticide have also been there in the country for a long time. If we have committed any mistake in 1949, there is no reason why we should repeat that mistake.

Shri Sarmah: There are only 3 categories of persons, the director, manager or officer thereof, who are affected. Under the proviso, it is strictly limited.

Pandit Thakur Das Bhargava: My friend is again wrong. Under 45J those persons also will come in who have taken part in the promotion of the Company.

Shri S. S. More: May I seek some clarification? The hon. Minister was pleased to say.... (*Interruption.*)

Mr. Deputy-Speaker: I find hon. Members who wanted to take part in the discussion have stood up and spoken. They have interrupted other hon. Members also. Now, I find they are sitting and speaking.

Shri S. S. More: Sir, the hon. Minister was pleased to say that the proviso restricts this to particular offences which are offences punishable under this Act or under the Indian Companies Act. May I bring to his notice sub-clause (2)?

> "When trying any such offence as aforesaid, the High Court may also try any other offence not referred to in sub-section (1) which is an offence with which the accused may, under the Code of Criminal Procedure, 1898 (Act V of 1898), be charged at the same trial."

According to this sub-clause (2), there is only one condition, that is, that the offence is of such a nature that under the Code of Criminal Procedure the accused may be charged, at the same trial, along with the offence mentioned in this particular proviso. My submission is that his explanation that it is restricted to the offences under the Companies Act or this Act is not strictly correct and I should like to be enlightened on this point.

Shri A. C. Guha: There again, I point out that he has omitted to read the last few words, 'with which the accused may be charged at the same trial'. So, if in the course of the trial one of the directors of the bank or the manager or officer is found guilty of perjury, he may be tried for that because it is an offence connected with the same trial.

Shri K. K. Basu: Section 45N (2) gives the right of appeal if the respective High Court provides for it in such manner and such conditions as it thinks fit. Similar provisions were not there previously, in the parent Act. The danger I apprehend in giving such powers to the High Courts entirely is that different High Courts will lay down different rules and conditions for appeal. I do not know how far and in what manner the Government will be in a position to see that these rules are on a par with each other.

Mr. Deputy-Speaker: The same thing was referred to by some other hon. Member.

Shri K. K. Basu: Sir, we have the same Civil Procedure Code and the rules of procedure vary from High Court to High Court. Each High Court is allowed to make its own rules. Similarly, rules may vary from Court to Court with regard to whether an appeal may be granted or not and the conditions under which the appeal may be granted.

Shri Joachim Alva (Kanara): Sir, this is a very drastic provision and I want to say a few words.

Mr. Deputy-Speaker: I have allowed a number of hon. Members to speak.

Shri Joachim Alva: Sir, this is something very very drastic.

Mr. Deputy-Speaker: Why did the hon. Member take so much time to get up?

Shri Joachim Alva: Sir, there were other hon. Members in the field.

Mr. Deputy-Speaker: Then those hon. Members have sufficiently represented his views.

Shri Joachim Alva: Sir, please let me have two minutes.

Mr. Deputy Speaker: If others have spoken, then this is redundant. I will give the hon. Member another opportunity to say what he wanted to say.

Shri R. K. Chaudhuri: Sir, I want to speak.

Mr. Deputy-Speaker: No, no; I will not allow him, at this stage.

Shri R. K. Chaudhuri: Then you will allow me at the third-reading stage, Sir?

Mr. Deputy-Speaker: No, not on this Bill. I have allowed every hon. Member sufficient time on this matter even after the hon. Minister has replied.

Is it necessary for me now to put this too to the vote of the House?

Some Hon. Members: No.

Mr. Deputy-Speaker: Now, the question is:

"That clause 10, as amended stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clauses 11, 12 and 13 were added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

Shri A. C. Guha: I beg to move:

"That the Bill, as amended, be passed."

I have nothing more to say except one thing. When I proposed an amendment to Section 45I deleting the last two lines "if the director or other officer fails to do so, he shall be guilty of contempt of court," Mr. Basu asked me how is the director to be dealt with. I will refer him to section 46 of the present Banking Companies Act. That is an omnibus section, and the director or other officer will be dealt with under that section in such cases.

I hope, Sir, the House will now be pleased to pass the Bill.

Mr. Deputy-Speaker: Motion moved

"That the Bill, as amended, be passed."

डा० एन० बी० खरे (ग्वालियर) : मैंने दो दिन तक बड़े गौर से इस हाउस में जो बहस मुबाहसा हुआ, वह सुना ।

Mr. Deputy-Speaker: This is the Banking Companies Bill. Not the Ancient Monuments Bill.

डा० एन० बी० खरे : मैं जानता हूं । मैं कुछ कानूनदां नहीं हूं, लेकिन व्यवहार बुद्धि खूब जानता हूं । मुझे इस बहस मुबाहसे से मालूम हो गया कि यह बिल बिल्कुल अन्याय्य है लेकिन यह पास केवल इसलिये हो रहा है कि मैजारिटी की मस्ती है । इतना ही मुझे कहना है ।

Shri Jhunjhunwala: Sir, a lot has been said on the Bill and if I speak anything more I do not think I shall be doing justice to the House in taking their time. Everything has been said on every clause. But there are two points which had been raised and which had been practically, impliedly or expressly, admitted, and that is this. My hon. friend, Mr. Trivedi while speaking on clause J said that this is a barbaric law and Mr. Guha said that this is a barbaric law, there is already such a barbaric clause.

Shri A. C. Guha: I never said so.

Shri Jhunjhunwala: You said it impliedly. I do not say 'expressly'. Impliedly, you admitted..

Shri A. C. Guha: Not impliedly also.

Shri Jhunjhunwala: You said that such a law exists for a long time past, and you did not say that it was a barbaric law, but impliedly it amounted to that. Therefore, I say that you impliedly agreed to the fact that it is barbaric law. Mr. Sarmah who is not here now, said that if we want in our country that the banking system should prosper and develop, this law is very necessary and very important. I am absolutely of the contrary view. He says that honest people should not be afraid of it, but unfortunately for whatever reasons it may be, it is the honest people who suffer these days in our country. Those who are swindlers, those who are scoundrels, will escape even under this law.

Sir, my hon. friend Mr. Guha, when he was sitting on this side, raised questions every day. There was not a day when the Finance Minister had not to answer questions of Mr. Guha, and Mr. Guha used to raise questions every day regarding one bank or the other. I could understand the anxiety with which he was doing those things. At that time, it was so. And now, he says that this is an emergency measure. He has brought this as an emergency measure. If it is an emergency measure, have you shown any instance where other banks, banks other than those which have failed, have behaved like that? Other Banks and their directors have proceeded well and doing alright. There are respectable directors, there are good directors, who will be reluctant to come if such law is there. You have put in such provisions that honest, respectable and good directors will be reluctant to come. Not because they are afraid of the stringent provisions—they are not afraid of those provisions—but they are afraid of being entangled by unscrupulous officers and unscrupulous people. Sir, if it is an emergency provision, which, as my hon. friend says, he has brought in as an emergency Bill,—for a time when spurious banks had sprung up and there was a crash—then, this should not apply to all the directors. So many banks spring up, and swindlers and scoundrels, according to my hon. friend Mr. Sarmah, come in as directors, and then this Bill should not therefore apply to all the directors of other Banks. If you want the banking system to flourish, then the stringent provisions should apply only to such banks which have been wound up during that emergency period. Otherwise this measure will be a standing slur on all the respectable directors of other banks which have been serving the country so well.

Shri Tulsidas: Sir, I, for various reasons oppose this Bill. It is not because I feel that this measure is not required for the banking companies which are under liquidation. I fully appreciate, Sir, knowing as I do and with the experience that I have, that the banking companies do require supervision and vigilance from the higher authorities. I do appreciate that the depositors' money which has been lost, requires tremendous sympathy from the Government. But, Sir, it is not merely the question of getting the depositors' money back from the banking companies which are under liquidation. There is also the question of developing our banking system on sound lines. Our banking system is not well developed. On the one hand, you want the banks in this country should flourish, go forward and open branches in other countries and on the other you want to put onerous conditions on bank directors. Sir, by having this type of legislation, you are creating in the minds of the people of this country, the impression that all banks or all the directors of banks are fraudulent, that they cannot be relied upon. This is a slur on the directors of the banks. What are we doing in this legislation? We are trying to bypass practically all the laws of the country. We are bypassing the Indian Companies Act; we are bypassing the Limitation Act; we are bypassing the Evidence Act; we are bypassing the Criminal Procedure Code. What for? And do you think, Sir, that by bypassing this, you are still going to have an expeditious way of liquidation? I do not believé so. However, I feel that we must think in terms of positive and constructive suggestions. What I feel is that the Reserve Bank has been given very wide powers. I may say enormous powers. I would like to cite a few examples of the Reserve Bank's powers. Sir, every bank is asked to supply information. What is the kind of information? A statement of the position of the bank as at the close of business every Friday. A statement of assets and liabilities at the end of every quarter. The names of the first grade officers of the bank with full particulars. Survey of debits to deposit accounts in the bank. A monthly statement of advances against commodities and bullion. Weekly statement of advances to directors, manager or officer of the bank and advances to companies or firms in which Directors are interested as directors, partners or managing agents. Statement of unsecured loans and advances including bills purchased and discounts granted to public companies in which the directors are interested as directors or guarantors. Weekly returns of limits for credit facilities—Rs. 5 lakhs and over in the case of secured limits, and Rs. 1 lakh and over in the case of unsecured limits.

Besides this, the Reserve Bank takes statutory deposits—statutory deposits to the extent of Rs. 50 crores lie with the Reserve Bank. This amount does not carry any interest. Thus the banks finance the Reserve Bānk to supervise them. In return what do they get? We get failure of banking institutions in this country. Why should there be failures of banks in our country if the Reserve Bank is vigilant, if the Reserve Bank is doing its duty efficiently? I am really surprised that even after the passage of the Act of 1949 there were a number of failures of banks. In 1949, 55 banks failed; in 1950, 45 banks failed; in 1951, sixty banks failed; there was an equal number of failures in 1952 and the latest figures which are available for this period is 31 banks failed.

Why should this happen in our country? I can certainly appreciate the anxiety of the Government that the depositors' money should not be squandered. I know how painful it is to the small depositors to lose all their lives' savings. But if the Reserve Bank is not vigilant, these failures are bound to take place, no matter what legislation you put through. Why should banks go into liquidation with all these powers in the hands of the Reserve Bank? Sir, I really do not understand it.

I am sure the House will appreciate the fact that banks work on the prestige of their directors; banks attract deposits according to the Board of Directors of the banks. If you are going to cast a slur on the Directors of the banks as a whole what is going to happen? Will people of this country have confidence in this: will people outside this country trade with those banks. And yet we ex-

[Shri Tulsidas]

pect banking institutions to flourish both at home and abroad. Sir, I really do not understand the logic of this.

Mr. Deputy-Speaker: This is only at the winding up stage.

Shri Tulsidas: I fully understand Government taking these powers for the liquidation of banks which have failed.

Mr. Deputy-Speaker: But where is the reputation to lose?

Shri Tulsidas: For the liquidation of banks which have failed I am prepared to give any power to Government to safeguard the interest of the depositors. But what do you want to put something on the statute book. The Reserve Bank is already armed with wide powers. Why can't the Reserve Bank be prosecuted for not doing their duty properly? The Directors of the Reserve Bank are free from the provisions of this measure.

Mr. Deputy-Speaker: Asking the Reserve Bank to be vigilant is one thing; if perchance a bank has to be wound up, to do it expeditiously is another thing. Why should there be a confusion between the two?

Shri Tulsidas: I am not in the least confused. What I am trying to point out is that you do not appreciate the onerous and difficult position of the Directors. Banking institution is a credit institution. When the directors go on the Board, nobody can imagine what will happen. There may be a calamity and a bank may go into liquidation.

Mr. Deputy-Speaker: It is only when they bring it to that calamity will these provisions come into operation.

Shri Tulsidas: Why should there be a distinction between the Director of the Reserve Bank and the Director of a private bank, in spite of the fact that the former institution possesses so many wide powers. They can recall a loan, they can give directive to the Board of Directors of a scheduled bank about the appointment of a Manager or a Chief Accountant. The Reserve Bank gets all the information from the banks. But in spite of all this, why should a bank go into liquidation. By all means take all the powers for the speedy or expeditious liquidation of the bank which has gone into liquidation. But, please, do not put these powers on the statute book and create a difficult situation for the directors. That is what is more important.

Then, again, take the case of insurance companies.

Mr. Deputy-Speaker: Does not the hon. Member know that in banks the depositors are the shareholders, quite unlike joint stock companies, where they have a voice?

Shri Tulsidas: I fully appreciate that position. That is what exactly I am coming to. The position of policy holders is more or less like that of depositors. There are only a very few shareholders; there is more of policy holders' money. Of course, there are a couple of directors nominated from among policy holders. But you should realise at the same time that under the Insurance Act you have appointed a Controller. The Controller points out certain defects. If the Directors do not rectify matters, then they are responsible for the consequences. Here, even though the Reserve Bank is armed with wide powers it will not do anything; they fail in their duty. But if anything happens all the Directors are responsible. I can understand your taking action against the Director, if a directive of the Reserve Bank is not implemented. But the Reserve Bank is not doing its duty in spite of all the powers vested in it.

I have been observing a tendency on the part of Government to take all sorts of powers. But the powers are not utilised for positive purposes. My hon. friend Mr. B. Das the other day very rightly pointed out that the

Reserve Bank has not taken any positive action in developing or expanding banking and credit facilities in the rural areas. Here they have a positive duty to perform: but they do not perform it.

Mr. Deputy-Speaker: Are we entering into a general discussion on the function of banking?

Shri Tulsidas: This is a very important aspect. This measure may relate only to winding up procedure. But when it creates a difficult situation to the Directors of the Bank, I should bring it to the notice of Government and request them to ameliorate their position. My contention is that the Reserve Bank should be much more vigilant, much more active in its supervision of the banks.

Then, Sir, I would like to point out that in America thousands of banks failed, but there is no law of this nature. They have been able to wind up the banks, they are able to distribute depositors' money without taking recourse to such measures.

Mr. Deputy-Speaker: Why should we look to other countries? Let us be pioneers.

Shri Tulsidas: But why do you want to put it on the statute book? I am prepared to give all the powers to Government to wind up banks which are in liquidation. I can well appreciate the hon. Deputy Minister's concern, coming as he does from that part of the country which is afflicted by this malady. But it does not mean that because one part of the country is afflicted by this malady you should make the measure applicable to the whole country. You are creating an impression that the whole country consists of such people. If there is something wrong with that part of the country, by all means do take measures to meet it.

Mr. Deputy-Speaker: Is it the suggestion that this may be made applicable only to Calcutta and West Bengal and not to the other parts of the country?

Shri Tulsidas: My suggestion is very positive. By all means take these powers in regard to banks which are under liquidation. But in future let the Reserve Bank be more active, let it be more vigilant, to see that banking institutions function properly and on the right lines. But here you are trying to put something on the statute book which is a slur on the whole banking institutions in this country. Now supposing all the directors of a bank take keen interest and go into minute details taking a very conservative view to safeguard their position. Then what will happen? Then credit facilities in the country will be very much reduced and there will be complaints that banks do not give the facilities required of them. These are the difficulties. How a Board functions, I know. I have its experience. I therefore tell you with my own experience that if you create these onerous conditions for banking directors, it will be very difficult, it will be absolutely impossible for good citizens of this country to become directors of banks. It will not be possible for good people to remain as directors. I would still urge on the Government that because something has happened in one part of the country please do not make a legislation applicable to the whole country. If there is an emergency take powers for that particular period, any power you want, but not under a statute. I still plead with the Deputy Minister that he should take time before he puts this Act into force.

Shri R. K. Chaudhuri: Yesterday a point was raised by my hon. friend...

Mr. Deputy-Speaker: Shri Alva. I am going to apply closure at 4 o'clock

Shri Joachim Alva: Sir, I support the main clauses of this Bill. In doing so I say that my hon. friend Shri Tulsidas Kilachand who is the Chairman of the Baroda Bank, one of the Big Five, wants to put on the cloak of American prosperity around himself while trying to retain the poverty-ridden conditions of India.

Shri Tulsidas: I am very sorry; the hon. Member has not understood my point.

Shri Joachim Alva: I would have liked him to tighten his belt with the characteristic of all British banking institutions, which is very hard. Security and integrity are their watchwords. I am glad, Sir, that the age of the guinea pig directors, referred to in the report of the Banks' Liquidation Proceedings Committee, is over. Guinea pig directors are a species well known in England and the Committee has referred to them.

Shri U. M. Trivedi: Is it parliamentary to refer to them as guinea pig directors?

Shri Joachim Alva: If my friend has not read the report of the Committee what can I do? I am glad that the age of such guinea pig directors is over—quiet, decent and respectable gentlemen to whom Shri Tulsidas Kilachand referred, men of big names who never took any part in the affairs of a bank or institution of which they were directors, who were very quiet and allowed the scoundrels to carry on the work of the bank—I am glad that their days are over. My friends are wondering as to what this species of guinea pig directors are. I shall therefore quote the relevant passage from the report of the Banks Liquidation Proceedings Committee. Here it is:

> "The failure of banks for the most part can be ascribed to mismanagement or incompetence on the part of their directors. We find that it is not uncommon that the directorate of most of the banking companies which have gone into liquidation consisted of one or two dominating directors and a number of complaisant directors who, in England, have been aptly called guinea pig directors because they merely said "yes" at Board meetings and departed with the prescribed amount of guineas as fees after having been provided with a lunch. A similar unhealthy practice prevailed in some of the banks in India which have failed, where the dominating directors practically controlled the affairs of the bank and were not subject to any check on the part of their colleagues. The latter were, as often as not, honest public men or prominent men in other walks of life who, owing to their other preoccupations, had no time or aptitude for taking an intelligent interest in the affairs of the bank. The guinea pig directors are the ones whose names attract shareholders and depositors. When the crash comes they plead that the matters, in respect of which mismanagement is alleged, were handled by the dominating directors, to whom large powers were delegated. They have been described as directors who do not direct. Cases are on record in which directors pleaded that they did not know English and could not follow the proceedings at Board meetings."

I cast no reflection on the integrity of my friend Shri Tulsidas Kilachand whom I have known for twenty-five years as an upright man. But I wish to tell him that black-marketers who have made banks as foot-stools to pass on crores of rupees from one company to another, who have manipulated things at board meetings for their own personal benefit and stuffed their own store-houses with currency notes, which came out after the demonetisation Ordinance, they have to be hit on the knuckles, they have to be put in jails on behalf of the small investor, the ordinary depositor who deposits Rs. 250.

Shri R. K. Chaudhuri: Is my friend an honorary magistrate?

Shri Joachim Alva: Their number is very large. I am going very fast. Sir, because the guillotine will be applied. The day of reckoning, according to this very Report, between depositors and directors has also come. As some one has said, the company is a very large company and these directors come for a meeting once in a year and exchange greetings like lovers: How are you? Nice. Have a cup of ten. These directors are now put on trial. They shall not just come once a year, get their allowance and go away. They are put on trial and in a very hard manner.

I feel, as an old practising lawyer but one who has not been at the bar for a long time but in whom the first principles of law are still embedded for ever, that a law which gives powers to the High Court by which the High Court becomes a prosecutor and judge is a very bad law.

Mr. Deputy-Speaker: Is it open to these guinea pig directors to call these lawyers guinea lawyers?

Dr. N. B. Khare: Penny lawyers!

Shri Joachim Alva: Lawyers all over the world are mercenaries. When they become patriots they leave the bar.

So I want to say that these drastic powers given to the High Court by which the High Court shall examine any director or any one put up as accused by it is altogether wrong. The High Court judge is a human being, after all. He cannot have two compartments. Chief Justice Chagla of the Bombay High Court has observed that it is not the business of the High Court to collect evidence; its duty is only to judge an accused guilty or not guilty. The collecting of evidence is not the business of the High Court. I can quote the exact section if you give me time—but by this section you are subverting all the principles of the Criminal Procedure Code and handing over to the High Court the duties of the ordinary magistrate, the ordinary police, head clerk and clerk and everybody. And there is no right of appeal. Perhaps it may go to the Supreme Court. That is altogether different. This provision should never have been embodied in the Bill. I have great respect for Shri D. N. Mitra who was Solicitor at the India Office and also my friend Shri Raghunath Mathalone who was the last Official Liquidator of the Bombay High Court. But it is the opinion of bureaucrats. They are not right in sitting in their chambers and coming to a judgment over others.

I would really assure my friend Shri Tulsidas Kilachand, good and honest as he is, that he may have to stand a trial. It is altogether wrong, it is an infringement of the principles of law, nay it is unconstitutional to have that kind of process. I want to say with all the force at my command that this clause should be dropped altogether. Because, if the High Court or the court sits in liquidation and comes to the conclusion that the director is guilty, the case must then be sent at least to another High Court. If it goes to another High Court it might say that the judges were prejudiced.

Sir, there are two or three points. About America my friend was not able to quote the figures. There were 30,000 banks and out of them 14,000 crashed in the 1929 or 1930 disaster. It was due to a series of causes, of their being uneconomic, due to the fall of securities and due to slump. But he forgot to mention the ways adopted by which millions of depositors' dollars were protected. They did devise measures and the Federal Bank came in. Here the Reserve Bank in India is not doing its duty. They are great men, they sit in their chambers and are not vigilant. Otherwise how did they in the year of grace 1950 allow the Exchange Bank of India and Africa to run off with Rs. 80 lakhs belonging to the Reserve Bank? And when these officials are asked they say 'this is in the course of business'. If it were my own money or his own money we would have died of shock. They allowed this serious fraud of Rs. 80 lakhs. And when it goes to the High Court the man gets off on technical reasons. If the Reserve Bank allows this kind of thing, what are they doing?

The number of our bank failures is only 300 since 1926. In America it was 14,000. Then we have the case of the Travancore National and Quilon Bank.

Mr. Deputy-Speaker: I must apply guillotine now. Is it necessary for the hon. Minister to say anything?

Shri A. C. Guha: If you permit me, I would just say a few words.

Mr. Deputy-Speaker: I think the hon. Minister has said enough.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (DECLARATION OF NATIONAL IMPORTANCE) AMENDMENT BILL

4 P.M.

Mr. Deputy-Speaker: The House will now take up the Ancient and Historical Monuments Bill. Who was the Member in possession of the House? Shri V. G. Deshpande. He is not in the House. Dr. N. B. Khare.

Dr. N. B. Khare (Gwalior): Sir, I want to say something on this Archaeological Monuments Bill.

Some Hon. Members: Ancient and Historical Monuments Bill.

Dr. N. B. Khare: The meaning is the same.

Mr. Deputy-Speaker: Hon. Members will be short, sweet and brief.

Dr. N. B. Khare: I shall be very short and crisp. I won't take more than 6 or 7 minutes.

When the British conquered this country, in the first flush of their victory, they destroyed from political motives some of our monuments like the Peishwa's palace in Poona, Raigarh, the palace in Nagpur and some other things. After some time it was Lord Curzon, who, though he did so many bad things to this country did one good thing when he focussed the attention of this country on this important branch of knowledge. Then, Sir, when this Congress Government came into power, it has now brought this Bill after 6 or 7 years. I have got full sympathy for this Bill. I am glad that the Congress Government has brought this Bill before the House.

Mr. Deputy-Speaker: It is only an Amending Bill.

Dr. N. B. Khare: I do not care whatever it is: whether it is an amending Bill or otherwise. I have got my sympathy for this Bill.

But, I must say that I am rather doubtful as to how far the Congress Government would be inspired to actively engage itself in promoting this branch of knowledge. When we, in our lectures or anywhere else, talk of our ancient past and the glory of India, they are rubbed in the wrong way and they tell us to bury the past and not refer to it and always look to the future. These are our mentors: all glory to them. These mentors are now bringing this Bill before the House to dig up our past buried in the ancient monuments. Sir, when we refer to our past subjectively by mere words they are upset and now they want by this Bill to dig it up and present it before us, objectively in a concrete shape or form. This is cynicism. How far they are sincerely behind this, I do not know. I am rather sceptical about it. If we realise and apply the theory of Einstein of relativity of space to time, all these tenses of past, present and future will vanish into nothingness, and we get a whole picture of history whether glorious or otherwise. When we refer to our ancient glory and wisdom, when we say this, we are called names; we are called revivalists and reactionaries. Why? If these people revive all these ancient glories by digging them up and exhuming them, I do not know what I should call them. Shall I call them exhumers or grave diggers? I do not know.

Mr. Deputy-Speaker: Following the hon. Member, anything glorious.

Dr. N. B. Khare: I therefore say that in bringing this Bill before the House, they may not be as sincere as they pose to be. That is my complaint.

I will make my complaint clear with one reference. Perhaps 1½ years ago, an ancient monument of hallowed memory which is supposed to consecrate or commemorate an event or incident, of Shri Ramachandra eating plums at the hands of Sabari,—Samarimala—was burnt and destroyed by hooligans or vandals; I do not know to what religion they belonged but I have my suspicions. Then, there was a great furore raised in the country. When we refer to anything on the floor of the House, our Speaker asks us to contact the Ministers first and get information from them and then bring the matter before the House if we are not satisfied. I strictly followed this direction, devotedly followed this direction, to get information about the destruction of this temple and I wrote a simple private letter in a very courteous, beseeching, entreating manner, with which I am not very familiar, to our Home Minister, and—I am sorry to say that that gentleman is not here now—he has not cared to reply to my simple letter requesting to give information about the destruction of the temple.

An Hon. Member: Where?

Dr. N. B. Khare: In Travancore-Cochin; Sabarimala.

Mr. Deputy-Speaker: Sabarimalai.

Dr. N. B. Khare: I must say one thing. I do not know what these Ministers consider themselves to be. I consider them as servants of the people, servants of the House. As a Member of the House, representing the people, I consider I am a representative of the people. If we are treated with this dignity or lack of dignity, I am entitled to protest against this and bring my grievances before the House. I am reminded of the story of Mirza Akad Beg who never had his neck like this at right angle. It was always in an acute angle or an obtuse angle like this. After getting no reply from the Minister, I put a question to our very dear and devoted Speaker: a simple question wanting information about the destruction of Sabarimalai temple. That question has been disallowed without assigning any reason. This is the yellow death warrant of my poor dear dead question. No reason. I do not know how the House functions. Therefore, I say that I am very doubtful about the sincerity of this Government in bringing this Bill. They have brought this Bill as a matter of form and they will sleep over it. They do not care for our ancient and glorious past, religion or temple. Why? Because they are secular. I am supporting the Bill......

The Minister of Defence Organisation (Shri Tyagi): A very strange support.

Dr. N. B. Khare: But my complaint against the Government is that they are not sincere; they are not honest, I should say. Otherwise, they would have replied to my letter. This is the condition of the Members of this House. I do not know if I am a *persona non grata* with the Home Minister. The Speaker has treated me in this way. Where should I ask for this information? I invite the House to take notice of this contempt offered to one of the Members by the Minister, whom I regard, in spite of his dignity and glory, as a servant of this House and a servant of the people.

Several Hon. Members *rose*—

Mr. Deputy-Speaker: Let me see how many hon. Members want to speak. There are 23 Members. What is the time allotted?

Dr. Lanka Sundaram (Visakhapatnam): One and a half hours.

Shri Radhelal Vyas (Ujjain): Two and a half hours.

Mr. Deputy-Speaker: There has already been discussion on a prior occasion for three hours. The Business Advisory Committee has allotted 1½ hours.

Shri Radhelal Vyas: This time was allotted after the previous discussion was over.

Mr. Deputy-Speaker: The balance of time for the disposal of this Bill is 1½ hours.

Shri Radhelal Vyas: May I submit, Sir, that the allotment of this time, 1½ hours, was after the previous discussion was over. The Business Advisory Committee met after that discussion and has allotted 1½ hours.

Shri Altekar (North Satara): The allotment of time was made after the previous discussion was over.

Mr. Deputy-Speaker: Over and above the time taken on the previous occasion, this time has again been allotted. The Bill must be over in 1½ hours: at least the consideration stage.

Shri Radhelal Vyas: At least the whole of today should be allotted.

Mr. Deputy-Speaker: All hon. Members who are Members of the Business Advisory Committee, who are invited as heads of their various groups, must come and instruct their followers to abide by the decisions of the Business Advisory Committee. Otherwise it is useless. From time to time I am not going to extend the time. The time allotted is 1½ hours. After all, we are not going into very extraneous matters. Some items have been included in the Act which is already there. We are not now competent to go into the working of the Act. These things alone have to be included. Whether any particular item has to be included in the Schedule or not is the only point for consideration. The Bill is quite simple. I shall close the general discussion at 5 O' Clock and give half an hour for the Clauses.

Shri U. M. Trivedi (Chittor): There are no clauses. Only amendments to the Schedule.

Mr. Deputy-Speaker: The amendments to the Schedule will be disposed of in half an hour, and guillotine will be applied at 5.30. I will allow ten minutes more, because we spent ten minutes for the other one. I think Dr. Khare took those ten minutes. I will close this at 5.40. One hour for general discussion. Hon. Members need not repeat what has been said.

I will call one Member from each bench.

Shri Radhelal Vyas: You can give five minutes each.

Mr. Deputy-Speaker: At five minutes each, it comes to 115 minutes.

Shri Sarmah (Golaghat-Jorhat): One from each State.

Mr. Deputy-Speaker: There are some States which have not yet spoken. Which are those States?

Some Hon. Members: Madhya Bharat, Rajasthan.

Shri Sarmah: You start with Andhra, and then Assam. Let us go alphabetically.

Mr. Deputy-Speaker: Mr. Radhelal Vyas.

श्री राधेलाल व्यास : सभापतिजी मैं आपको बहुत धन्यवाद देता हूं कि आप ने मुझे समय सब से प्रथम दिया । मुझे एक तो यह निवेदन करना है कि यह जो हाउस के सामने अमेंडमेंट्स शासन की ओर से आती हैं कि फलां आरकियालाजिकल इम्पार्टेंस के स्थान को शामिल कर लिया जाय और इसी तरह की जो अमेंडमेंट्स मेम्बर्स की तरफ से भी आती हैं और हमको वोट देना होता है, उन के बारे में हम को कोई पता नहीं कि जो चीज़

शामिल की जायगी, उसका क्या महत्व है, वह कब बनी थी क्या उस का इतिहास है, क्या उस का आर्किटैक्ट है और क्या इम्पार्टेंस है । मैं निवेदन करूंगा कि जब कभी इस प्रकार की चीज सामने आवे तो शासन को पूरा इतिहास उस का हाउस के सामने रखना चाहिये, ताकि वह निर्णय कर सके कि वास्तव में यह नैशनल इम्पार्टेंस का स्थान है या नहीं और उस का समावेश इस आलेख या बिल में होना चाहिये या नहीं ।

Mr. Deputy-Speaker: In connection with the Estate Duty Bill, the hon. Finance Minister called all Members who had tabled amendments. Since this is also a matter of some importance where various Members are interested in archaeological finds and in ancient glories wherever they are in various parts of India, the hon. Minister must have called them and talked to them as to what should be added or subtracted from the Schedule. Then it would have been easier.

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): I have had several discussions with the hon. Members, but as the amendments are pouring in every day and we have got to examine them and get investigations completed from the field, it is not possible for me to say just now whether I can accept or reject any of them.

Mr. Deputy-Speaker: Then, why not hon. Minister accept Mr. Gadgil's amendment of adding to the list whenever it is found convenient.

Shri K. D. Malaviya: There is difference of opinion on that on the interpretation of the Constitution.

Mr. Deputy-Speaker: It must be each individual monument?

Shri K. D. Malaviya: It must come before Parliament. The wording in item 67 of Union List I in Seventh Schedule is "by Parliament by law".

Shri Dhulekar (Jhansi Distt.—South): I had applied and I even went to the hon. Minister for Education for this Jhansi Rani Saheb's Mahal, but I was never called or told what would happen. So I want to speak.

The Minister of Law and Minority Affairs (Shri Biswas): May I say just one word regarding the amendment of which notice has been given by my hon. friend Mr. Gadgil?

There is no doubt it is a very simple procedure, and if that is acceptable to the House and if that is in consonance with the legal opinion which we propose to take, nothing better.

As a matter of fact, I may remind the House that the Act of 1904 did not deal with the question of declaring any monuments to be monuments of national importance, but only provided for declaring certain monuments as protected monuments. The procedure was by notification. Section 3 reads:

> "(1) The Central Government may, by notification in the Official Gazette, declare an ancient monument to be a protected monument within the meaning of this Act.
>
> (2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Central Government within one month from the date when it is so fixed up will be taken into consideration.
>
> (3) On the expiry of the said period of one month, the Central Government, after considering the objections, if any, shall confirm or withdraw the notification.
>
> (4) A notification published under this section shall, unless and

[Shri Biswas]

> until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Act."

The same procedure might be adopted in regard to the declaration of a monument as a monument of national importance within Entry 67, List I of the Seventh Schedule of the Constitution. That is quite true.

Dr. Lanka Sundaram: Is it your position that the Constitution has to be amended?

Shri Biswas: At the same time you will find, if you refer to the list, two expressions have been used in different entries. Sometimes you have the expression "declared by law"; sometimes the expression "declared by and under law". Now, the question is whether "by law" means that it must be declared by Parliament itself.

An Hon. Member: No, no.

Shri Biswas: You may say "No," but there it is. That is a point on which opinion has got to be taken. It will not do to say "No, no". I may say "No". That may be my opinion. Somebody else might say "Yes". What am I to do? I may refer to entries 23, 27, etc. where you find the expression "by or under law". One view is that the existence of these words "or under law" will permit a Notification to be issued.

Dr. Lanka Sundaram: Will you interpret Article 246?

Shri Biswas: Then the expression "by law" without the addition of the words "or under" you find in entries 32, 52, 53, 54,56, 62, 63, 64, 67 etc. I have not been able to make out yet, whether there was any purpose behind this differentiation between the two expressions used. I have looked up the matter. There is some decision of the Privy Council, but not exactly in point. The words used there were different. I have got that reference here.

Therefore, all these questions do raise a doubt as to what is the correct procedure. I am quite free to admit that even where, in the body of the Constitution, the words "by law" have been used, we have actually taken power to issue Notifications. I will refer only to the Act for the salaries of Ministers. There, provision is made for the making of rules by Notification regarding certain matters. So, I say a consistent practice has not been followed, but now that this point has been definitely drawn attention to, it is just as well that we should decide it one way or the other. My proposal is: let this Bill be accepted as it is.

An Hon. Member: No, no.

Shri Biswas: Do you suggest that even in spite of the fact that the Bill is here, we will go on publishing Notifications in regard to all these monuments which are scheduled here. That question will arise as regards future action. Therefore, I would suggest that the House will be well advised—if I may say so, with respect—in passing this Bill, accepting or not accepting some amendments, regarding the inclusion or exclusion of certain monuments. That is a different matter altogether. Let the House pass this Bill now, and in the meantime, let the Minister of Law take legal opinion from the highest legal adviser to Government, and then we shall act according to the advice given. Of course, so far as Government are concerned, the procedure by notification is very convenient. If the House will surrender its right to declare whether a particular monument is of national importance or not, surely the executive will only be very happy, and it will also shorten matters. But there it is.

At one stage, the idea was to have a comprehensive amendment of the Act of 1904. Now, of course, whatever monuments are declared as protected monuments will be regarded as monuments of national importance, and *vice versa*, whatever monuments are declared as monuments of national importance will automatically become protected monuments, within the meaning of the Act of 1904. That Act has not been repealed, and is still in force. That is the position. But we want to have the whole thing cleared up.

I would therefore suggest that this Bill may be dealt with as it is. In the meantime, we shall decide about our future course of action. It is in that view, that I would like to appeal to my hon. friend to withdraw his amendment.

Shri Gadgil (Poona Central): May I know from you, Sir, whether we are expected to address arguments with respect to the constitutional propriety of this particular amendment now, or during the clause by clause discussion? If it is your direction, that this question should be disposed of, one need not wait for the discussion of amendments, for either they will be accepted or they will be not accepted, and the list may become long or short. But if it is the object to have some administrative convenience, and if the position as stated by the hon. Law Minister is correct that in the matter of the salaries of the ministers, delegation of power was permitted, and no objection was taken, I do not see any logic or consistency. Without having done this, if you are convinced......

Shri K. D. Malaviya: Are you taking up this question? I was suggesting that the general discussion might take place just now, for about 45 minutes or an hour, and after that, if you so choose, this amendment of my hon. friend Shri Gadgil may be taken up. Then, as the hon. Law Minister has already stated, we may say a few words, and a decision may be taken. Otherwise this general discussion will be guillotined. That is all I wanted to say.

Pandit Thakur Das Bhargava (Gurgaon): This point was discussed when the original Bill was passed.

Mr. Deputy-Speaker: If this point is disposed of now, the general discussion may collapse. The general discussion is proceeding on general lines, and not with respect to any particular amendment. The present Bill is only an amending Bill, and so the original Bill and its principles are not before us. The question is whether these particular monuments are of sufficient national importance to be included in the Schedule, or whether they ought to be in the hands of the State Governments, and should not be brought up to this high position of national importance, so as to be protected and managed by the Centre. It is a simple point to be disposed of, and other hon. Members also might have their say on this. I shall hear Shri Gadgil about this point first. I shall also hear the hon. Minister later.

Prima facie, I am inclined to agree with the hon. Minister—hon. Members will kindly look into this matter, and I would like to have elucidation on this point. Entry No. 67 in List No. I of the Seventh Schedule reads:

> "Ancient and historical monuments and records, and archaeological sites and remains, declared by Parliament by law to be of national importance."

Entry No. 12 in List No. II reads:

> ".........ancient and historical monuments and records other than those declared by Parliament by law to be of national importance."

Entry No. 40 in List No. III, the Concurrent List, reads:

> "Archaeological sites and remains other than those declared by Parliament by law to be of national importance."

The latter two entries relate mostly to archaeological sites and remains.

Shri Biswas: If you will kindly look at entry No. 67 in the Union List, you will find the expression:

> "Ancient and historical monuments and records......"

[Shri Biswas]

Under entry No. 12 in the State List, this is the subject matter of the State List. Only archaeological sites and remains are the subject matter of the Concurrent List, Entry No. 40.

Mr. Deputy-Speaker: Entry No. 67 is all comprehensive. In the first instance, it appears that all ancient monuments belong to the States, unless some of them are taken away and put within the jurisdiction of the Centre. As for archaeological sites and remains, they are in the Concurrent List. Parliament can pass a law in respect of these, simultaneously with the States, and the law passed by Parliament will supersede the State laws.

So far as this Bill is concerned, does it refer to ancient and historical monuments and records, or to archaeological sites and remains?

Shri Biswas: It refers to both. In Part I, it deals with monuments and records, and in Part II, with sites and remains.

Mr. Deputy-Speaker: So far as ancient and historical monuments and records are concerned, *prima facie* and in the first instance, the intention in the Constitution seems to be that they must be maintained and protected by the States. If, however, there are any monuments which are of such national importance, that the Centre should take charge of them,—in view of the slender sinews of the State, and in view of the fact that the whole country, and not necessarily one particular State may be interested in them,—and spend money over them, then those monuments etc. can be declared by Parliament by law to be of national importance. Therefore, the analogy of delegation of power in the case of the salaries of Ministers, does not seem to apply, in this case. There will be a conflict, if the executive is vested with the authority. If we accept Shri Gadgil's amendment, the authority will be vested in the Central Government, to declare a particular monument, which is otherwise within the jurisdiction of the States, to be one of national importance, over and above the head of the executive of the particular State. That conflict between one executive and another executive will arise. Under these circumstances, it seems to be necessary that each monument or each item has to be declared by Parliament by law to be of national importance.

I would like to hear other viewpoints before I decide to allow or disallow this particular amendment.

Pandit Thakur Das Bhargava: May I submit for your consideration that on one short ground, these amendments cannot be taken to be in order? We are only amending the Schedule, under this Bill; so, the other Sections of tht Act cannot be amended by means of this Bill. Only the Schedule can be amended, and nothing else. Now, all these amendments relating to particular archaeological sites and remains will have to be gone into here.

Shri Altekar: In my amendment, I have proposed that a committee should be appointed to go into the whole question, and make recommendations to the Government, after which alone, Government should come before Parliament, for declaring these to be of national importance......

Mr. Deputy-Speaker: That is another matter.

Shri Gadgil: As I stated earlier, the real issue is whether the words 'by law to be of national importance' should be construed to mean exclusively that every monument should be declared to be of national importance by a law passed by this House, and that it is not open to this House to delegate this power of determining what is or is not of national importance, to the executive of the day. If we take a very narrow view of it, every time Government will have to come before the House with a regular Bill, and get it passed. Apart from the question of administrative convenience which will result, if the power is vested with the executive.......I think, under our Constitution, delegation of power is not barred at all.

If you will refer to some passages from the judgment of Chief Justice Kania, he has said:

> "The legislature may in laying down the rules of conduct express itself generally if the conditions and circumstances so require. The extent of the specific and detailed lines of the rules of conduct to be laid down may vary according to the circumstances or exigencies of each case. The result will be that if owing to unusual circumstances or exigencies, the legislature does not choose to lay down detailed rules or regulations, that work may be left to another body which is then deemed to have subordinate legislative power."

The limit to such delegation of subordinate power is the limit to the legislative competence of the legislature itself. What this House cannot do, certainly it cannot delegate. But the broad fact remains that in matters which are of detailed importance and working out, it would not be wise to take that function—the function is already there— and to continue to discharge it to the detriment of other and far more important legislative work.

Now, as a matter of fact, this House has passed certain laws under the Constitution where power has been delegated. An instance was pointed out by the Law Minister, that in the law governing the salaries of Ministers, power has been taken to delegate certain functions to the executive of the day which it can exercise by framing rules. The question is: are we delegating the power to enact law by my amendment or are we merely delegating the execution of a legislative policy already accepted by this House? If we are doing the first, then certainly it is unconstitutional and beyond our competence. But if we are merely doing the second, it is different. The legislative policy has been laid down. What is the legislative policy? It is that certain ancient monuments or records or archaeological sites are to be declared of national importance. Now, the question of carrying it out is a different proposition; just as in the matter of the Essential Industries Act where power has been taken to declare certain industries as essential industries. Similarly, Sir, under the Tariff Act, if I remember aright, power has been taken to increase or decrease import duties or increase or decrease export duties and then come before the House with a Resolution. But the fact remains that the power has been delegated, and it has proved of great administrative convenience.

Now, what particular power should be delegated depends upon the importance of the question. Here it is not a very high matter of policy whether a mausoleum or a mandir is declared or not declared of national importance. It does not vitally affect either the security of the country or the economics of the country or the foreign relations that this country has with others. It is a matter that purely concerns......

Pandit Thakur Das Bhargava: On a point of order, Sir. I had submitted that this Bill only sought to amend the Schedule...

Mr. Deputy-Speaker: I have heard that.

Pandit Thakur Das Bhargava: ...and not the sections at all. Now this amendment is about adding more sections to the Bill itself. My humble submission is—without going into the constitutional question—that amendments can be only confined to the matters mentioned in the Bill. Now, the constitutional question does not arise. It would only arise when the Chair is inclined to rule that other matters may be taken up.

Mr. Deputy-Speaker: I had my doubts. I have been bearing that in mind, and I am sure every other hon. Member who would like to inter-

[Mr. Deputy-Speaker]

vene in this matter would address himself to this aspect also. My difficulty was this. I do not think Pandit Thakur Das Bhargava contends that it is not open to any hon. Member to include any others also in this schedule, saying that it is one of national importance, by way of amendment. It is open to him to say that it is of such national importance. There may be another thing absolutely unthought of close by...

Pandit Thakur Das Bhargava: But the proposed Committee or Commission do not come in.

Mr. Deputy-Speaker: Leave that alone. It is open to any hon. Member to introduce by way of amendment, saying that it is a monument of national importance and it ought to be included. I suppose there is no objection to that and it is in order, even if a single such monument can be mentioned. Then, is it not open to this House to say that these and other monuments which the authorities might find from time to time to be of national importance may be declared so. I am not coming to Mr. Gadgil's point; I am only trying to find out how far I may accept Pandit Thakur Das Bhargava's exception that because it adds another section, it is outside the scope of the Bill. We will leave alone this section. If the Central Government include these items and others in the Schedule, would it be out of order? Therefore, I have my doubts. I am not immediately answering this point. I am allowing discussion over the constitutional issue. Mr. Gadgil may continue.

Shri Gadgil: Actually I quoted two precedents in which this House has allowed power to be delegated to the executive of the day in two most important matters—in the control of industry as well as in the control of taxation. As a matter of fact, the power to deal with taxation is so precious that normally no House—no legislature—would part with it, but because of the administrative convenience as also on matters of high policy, we allowed that. Then why are we straining at this little thing when this does not involve any vital question relating either to the security of the State or any other matter? As a matter of fact, this is a principle of great constitutional importance and has been accepted by most of the countries. In fact, no country has gone against it. Modern legislation is essentially legislation which lays down broad principles, and the broad principles are to be interpreted on certain accepted lines by the executive of the day. And this House very recently has appointed a Committee to look after delegated legislation. Therefore, there is no fear. Even in the United States, which is so anxious about such matters, the Supreme Court has laid down:

> "Undoubtedly the legislature must declare the policy of the law and fix the legal principles which are to control in given cases: but an administrative body may be invested with the powers to ascertain the facts and conditions to which the policy and principles apply. If this could not be done, there would be infinite confusion in the laws, and in an effort to detail and to particularise, they would miss sufficiency both in provision and execution.
>
> "The true distinction, therefore, is between the delegation of power to make the law which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made".

I am, therefore, submitting that once you lay down the principle that whatever is of national importance is to be taken over by the Central Government and whatever is not of national importance will be looked after by the State—as is the present position—the power of deciding what is or what is not of national importance is a power—not that it is impossible to exercise for this hon. House—which is such a minor matter that it is much better left to the executive. Here we have at least 10 lists and about 100 amendments. Are we going into each and every amendment which says that a certain *ghat* should be declared of national importance? I doubt whether that *ghat* has ever been visited by the mover of the amendment himself. He will have read from the note/or from the information he has received. But by and large, this is a matter which can be better dealt with by the executive. Therefore, I have suggested that. If, according to the view of the Law Minister there are precedents in which this has been done and there are precedents in which this has not been done, I think in such a situation administrative convenience and the convenience of the House ought to prevail, especially when no vital question is involved. On the contrary, much of the time of the House is saved. I honestly feel that acceptance of my amendment would be in the highest interest of the House as well as of the country.

Mr. Deputy-Speaker: May I ask the hon. Member, Mr. Gadgil whether there are cases in which a particular entry or item in the State list can be declared to be of national importance by Parliament and then thereafter legislation may be undertaken by Parliament to include any other entry from the State list. In article 249, there are similar powers with regard to industries and other things, for which we have taken power. It is declared by the law of Parliament to be of national importance. Therefore it has been taken. Are there cases in which where after having brought specific instances to the notice of the House for the application of its power, a general power has been given to the Central Government to say that you may add any other entry in this by notification and the Central Legislature will have power. Would there not be a conflict? What has been given by the one hand to the State Legislatures will be taken away by the other hand by executive order. Will there not be any conflict between the Central executive and the State executive? When the general power to regulate is with the State Government, each single entry will have to be brought, before Parliament; that is my view.

Shri Biswas: Sir, may I add just one word. The Constitution has laid down no test by which to determine what monument is of national importance. Therefore the Constitution has not left it to the executive to decide that question; it is left to the Legislature.

Mr. Deputy-Speaker: Why should Parliament then apply its mind? Will the hon. Minister explain?

Shri K. D. Malaviya: I have nothing more to add. The criterion before the department is that an outstanding archaeological site or historical monument should be regarded as of national importance. Under the present interpretation of Constitution in this respect it is very difficult for the department to decide specifically with regard to any monument or historical site or remains whether it is of national importance or not. That is why my interpretation is that each one of the items ought to come before the House to receive its sanction whether it is to be declared an object of national importance or not. Personally, Sir, I have no objection to the interpretation put upon it by Mr. Gadgil. But my only difficulty is that according to the present interpretation it will be very difficult for the department to lay down by notification that all these monuments have been declared objects of national importantce. That is

[Shri K. D. Malaviya]

why the law-makers wanted this thing to be brought before the House.

Shri S. S. More (Sholapur): When this House is to decide whether a particular monument is of national importance or not. all the necessary and relevant material ought to be placed before the House. As a matter of fact, how can we apply our minds to it when the executive cannot do it. Much more so, we are incapable, because I have not gone to South India and so many monuments will be coming up for inclusion by way of amendment. I am asked to apply my mind and come to a decision whether it is a matter of national importance. (*Interruption.*) Whenever such amendments are brought either by Government or by somebody else, they must supply all the Members with relevant material, at least in a precis, so that we may judge for ourselves whether it is of national importance or not. Government has not given us all the material.

Shri Altekar: Sir, I also want to say something in this connection.

In order to obviate this difficulty as to how we are to judge whether a particular monument is really of national importance or not, there should be a certain procedure for that purpose. Because it has been left to Parliament itself, ultimately the Parliament will have to decide. It must have some criterion before going into this discussion. I am submitting that there should be a Committee of Experts and that Committee should investigate into and examine all the various proposals and with their recommendation it should come before Parliament for a declaration. That would be a suitable thing and that is what I have suggested in my amendment No. 56.

Mr. Deputy-Speaker: So far as this matter is concerned, it is very simple. The point raised is that these matters of general importance, these monuments ought to be protected etc. They are by way of suggestions or amendments to the original Bill. The matter for consideration is whether a particular item that has been sought to be included in the schedule here is of such national importance that the jurisdiction of the State Government ought to be withdrawn from it and the exclusive jurisdiction given to this Parliament. The hon. Members may address themselves to this. There are a number of items included in the schedule.

Hereafter whenever such a legislation is brought before the House, all the hon. Members should be notified sufficiently well in advance either by a notification in the Gazette or otherwise as to what all objects are sought to be declared as of national importance. It may be that every hon. Member is not interested in every monument; he may be interested in a monument pertaining to his State or area. So far as this is concerned, without giving any ruling I will leave it to the House when they are sought to be moved. But, at this stage, I will ask hon. Members to confine themselves to the monuments mentioned already. For individual members some objects may be of national importance but for the Government to accept that they are of national importance needs a lot of scrutiny by their officers. I would suggest that Government take all these matters which are sought to be included into consideration and have a discussion with the various hon. Members and then try to find out whether in the next Bill these ought to be included or not.

So far as the Expert Body is concerned, the Government have an expert body, the Archaeological Department and we do not think any other expert body is needed, unless we think that in this case also we should have some foreigners to find out what monuments are to be declared of national importance. The schedule may be passed as it is. I am making a suggestion. With regard to all other items there may be a large number of them because our country is so large and our history is so ancient—let the hon. Minister look into them leisurely and see whether they can be included later on.

Shri U. M. Trivedi: What I wish to ask is that just as the Government list has been with us for some time now, some of our amendments to the schedule have been with the Government for the last 4 months or more than that—have the Government not made any enquiries about them?

Shri K. D. Malaviya: A number of suggestions we are accepting and the rest we cannot accept because either we have not examined them or because we do not consider them to be objects of national importance. I have already given the hon. Members our opinion privately.

Shri H. N. Mukerjee (Calcutta North-East): I have a simple doubt which arises out of what the hon. Minister has just now said and your comments thereon. The Minister said very frankly that he has come before Parliament because his department does not know for certain whether certain monuments and sites should or should not be declared to be of national importance.

Shri K. D. Malaviya: Sir, I never said that.

Mr. Deputy-Speaker: He said that some of these finds are not of sufficient national importance.

Shri H. N. Mukerjee: A little earlier he said that he has come up before Parliament because it is necessary to have the sanction of Parliament in regard to the ascertainment of particular monuments or sites as of national importance.

Shri K. D. Malaviya: On the background of the Constitution, I suggested...

Shri H. N. Mukerjee: I had given notice of an amendment almost exactly similar to Mr. Gadgil's amendment vesting in Government the authority to find out which monuments and sites are of national importance. Because, Sir, I feel that it is very unfair to tell the Members of Parliament to ascertain which exactly are of national importance and which are not. We ought to leave it to the good sense and knowledge and capacity of the Department concerned. But the Minister has come here with the Bill because he feels that Parliament should put its sanction on the findings of the Archaeological Department. There, Mr. More's point has very great validity, because in the absence of an explanatory memorandum regarding the items which he has mentioned in the schedule, we are not in a position to apply our minds properly to the Bill.

Mr. Deputy-Speaker: Let me take the other side. I just said that in future, that may the procedure adopted. So far as the present one is concerned. I might ask: what prevented the hon. Members from giving information to the Minister? Hon. Members who have got any doubts about any particular monument relating to their areas—they would be naturally interested in the monuments of their area—could have supplied the information. Then, they could not have asked the Minister, what are the records, and so on.

Shri H. N. Mukerjee: My answer is that the hon. Members concerned possibly gave the Government credit for having mentioned in their schedule monuments and sites which were really of national importance, and they suggested additional items from their own knowledge and information. Now, Sir, your suggestion is, because of constitutional difficulties, that those who have given notice of amendments should hold themselves in patience till as long as my hon. friend, the Deputy Minister, chooses to bring a second amendment or a third amendment to this particular legislation. The amendments given notice of by the Members concerned cannot really be

[Shri H. N. Mukerjee]

discussed either, because we do not know whether the monuments are of national importance or not. Government has not given us its views on the matter.

Mr. Deputy-Speaker: I am afraid the hon. Member has not followed me at all. What I suggested was that whenever such a Bill is brought before the House, sufficiently in advance by notification in the official gazette a memorandum may be sent out for information of the public and of the hon. Members of this House to find out if, in their opinion, a monument is of national importance or not. Sufficient notice may be given so that hon. Members would take interest, may look into it and come prepared. That is for the future. So far as the present is concerned, the hon. Minister said that he has received various suggestions and he has examined them, and he is accepting some of them. He is trying to investigate certain suggestions for inclusion of certain ancient monuments in the schedule. Some of them he has found not acceptable after investigation, because he has found that they are not of sufficient national importance. And to the third category belongs those items of monuments notice of which have come only recently and he had no time to investigate them. Not that he is shutting his eyes or ears to the suggestions, but only on the lists submitted to him through the amendments, the national importance could be judged. The ancient monuments included in the schedule put by the Government are there for your consideration. This has been here sufficiently long. It was open equally to an hon. Member to ask the Government, what is the record with respect to this matter, or why should we allow this in the schedule and so on. All that I say is, hon. Members will take up the essential monuments and say whether they are to be included or not. If they keep silent, I will ask the hon. Minister to say to what items he is agreeable and to what items he wishes to make further investigation later on, for a future course, after intimating to various Members and issuing notification in the official gazette.

Shri Tyagi: There is one difficulty. In case where any fresh amendment is introduced to include in the schedule, it may not be possible for the Government to include those items, off and on, especially without investigation, and therefore, Sir, I submit that it is no use discussing those amendments, the admissibility of which the Government cannot be sure at the moment.

Mr. Deputy-Speaker: I said also, whatever the Government has not investigated, let them take time to investigate—not in this Bill. They may bring up another Bill. Whatever suggestions have been made by any hon. Member here for inclusion of the monuments which, according to them, are of national importance, will be considered. If the Government has already investigated, or, after the receipt of the amendments, have investigated into the matter, they will state here whatever they find are acceptable. Let them state it here. We can clear up the question, and then know what ought to be included in future. A list of the items may be kept ready for inspection by hon. Members so as to see which of the various items, according to the Government, are of national importance.

Shri Dhulekar: On a point of order, Sir. About four months ago, I put in an amendment that the Palace of Jhansi Rani should be included in the list of ancient monuments. I put in an application also before the hon. Minister, and I was expecting a reply as to whether it was a monument of historical, national importance or not.

I believe that the Palace of the Rani of Jhansi is of historic significance. If the Government had...

Mr. Deputy-Speaker: What is the point of order?

Shri Dhulekar: My point of order is, if I had received a reply that I have not provided the Government with sufficient material, I could have produced the Jhansi Gazetteer. I could have produced the history of India of those days. I do not know today whether my case has been investigated or not. So, I request you to help the Members by saying what they should do when they want to approach the Government in such matters.

Mr. Deputy-Speaker: It is really no point of order. The ancient monuments mentioned here are many. This list itself contains a number of entries. Some of the monuments about which notice has been given have been examined. Government is willing to accept some of them. As regards some others, Government are not willing to accept. As regards a few other items, Government are investigating. So far as the fresh ones are concerned, they might all be relegated to another Bill. If, in the meanwhile, any hon. Members find that any other monuments are also of national importance, they will give notice to the Government and then give sufficient time to the Minister before he could bring a separate Bill on the subject. I am of opinion that so far as this Bill is concerned, the general discussion regarding the nature of the ancient monuments, of which the schedule alone is sought to be amended here by the addition of some others, ought not to be allowed. I put the matter, so far as the consideration of the Bill is concerned, before the House.

Shri S. S. More: It is of some constitutional importance. If we are going to give a verdict here that these particular monuments which are sought to be now included in the schedule are of national importance, I think, as the custodian of the rights of this House, it is for you to decide whether proper material has been placed before the House for coming to a valid conclusion. We have given certain powers to certain States. By coming to the particular decision that we are going to take now, we are encroaching upon the powers which are vested in the States. If we are to make such inroads into the powers already vesting in the States, it is for you to decide whether the House is in possession of necessary material to come to a proper decision.

Mr. Deputy-Speaker: This is not the first time that an amendment of this kind has come up before this House. On a prior occasion, some amending Bill was brought before this House, and enacted into law, wherein a number of items were included in the schedule. I don't say that hon. Members ought to vote blindly. They must, if they want information, ask the Government. I am not going to allow the Government, within the short space of time that is allowed for the Government, to say that "this monument is important for this reason"—"we have asked the State Governments"—and so on and so forth. If any hon. Members wanted information, they could have ascertained from the Minister. On a particular point, they could have even asked me. There is no question of voting blindly. Hon. Members have got every opportunity to ascertain from the Government the facts and the archaeological records also.

Shri S. S. More: I am very sorry to interrupt you. I bring to your notice item 67 of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, in the case of every instance, as a matter of fact, this House will have to come to a conclusion that the monument is of national importance. It is not a matter between Mr. More and the Minister in charge—that I should go to him and give the material and all that. My submission is that the whole House should be kept in possession of the material. I would further submit, that certain former enactments are there, is no precedent or sanction for acting on this Bill, because, in the

[Shri S. S. More]

case of every single item, we have to come to a conclusion. It is not because certain legislation was passed earlier, that certain monuments here can be declared of national importance. The previous legislation cannot be treated as a precedent. So, it is for you to see—I am making an appeal—that every particular item is sufficiently shown as one of national importance. We take that fact into account and then come to a conclusion. If we are asked to give a verdict without any evidence on record, it is not fair.

Shri K. D. Malaviya: I do not understand what Mr. More means. Supposing he has given notice of an amendment, the day before yesterday, for a certain object to be declared an object of national importance, say, in a distant region about a thousand miles away from here, does he expect me today to give him information, sufficient information on the point he wants?

5 P.M.

Mr. Deputy-Speaker: This is my ruling. In regard to the point raised by Mr. More, I do agree that every hon. Member has to be satisfied with respect to each item. But he should take it for granted that Government through its officers in the Archaeological Department would have examined all these matters before bringing the Bill before the House. It is open to the House to accept their suggestions, or recommendations or not. If in regard to any particular instance they were not satisfied, they could have asked the Minister as to how it was of sufficient importance for inclusion in the list. Down to this day hon. Members have not put a single question as to how it is of particular importance. It is physically impossible to go into every item on the floor of the House. Unless any hon. Member has got any doubt, it is unnecessary for Government to go on explaining how its inclusion is necessary in every one of those instances. I rule it out of order: it is a dilatory motion. If we were to go into every item, it will take us 365 days in the year. If hon. Members were so much interested they could have asked the Government. This Bill has been pending for a long time. If any hon. Member wanted any information I would have called upon the hon. Minister to circulate to hon. Members relevant material for showing how each monument is of national importance. This is dilatory I am putting the consideration motion to the vote of the House.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East): We accept your ruling, but may I suggest that the Minister concerned should be present in the House. In that case there would not have been so much trouble. The hon. Minister for Education, Natural Resources and Scientific Research, who is in charge of this Bill is not here. On a previous occasion you had given a ruling on this subject during Question Hour; you had suggested that the Minister in-charge should be present. On an occasion when there has been so much of discussion in the House, it would have been much more helpful if the Minister concerned had been present.

Mr. Deputy-Speaker: I may point out that the Minister in Charge, or at any rate the Deputy Minister in charge of the Department should handle such Bills.

Shri K. D. Malaviya: I am in charge of this Bill.

Mr. Deputy-Speaker: The desire of the House is that the Minister in charge of that Department, or if there is a Deputy Minister in charge of that Department he must take the responsibility of piloting it, not an *ad hoc* entrustment or assignment. Anyhow we will get through this Bill. I am sure the hon. Minister will take notice of this for the future.

The question is:

> "That the Bill to amend the Ancient and Historical Monuments

Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, as passed by the Council of States, be taken into consideration."

The motion was adopted.

New Clause 1A

Shri Gadgil: I beg to move:

In page 1, after line 4 insert:

"1A. *Insertion of new section 2A, Act LXXX of 1951.*—After section 2 of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, the following section 2A shall be inserted, namely:—

'2A. *Authority to declare ancient monuments etc. to be of national importance.*—Government may by notification in the Official Gazette declare any archaeological site or remains or any ancient and historical monument as being of national importance, and on such declaration such archaeologocal site or remains or ancient monument shall be considered to be included in the Schedule of the Act.' "

Sir, it is not necessary for me to make any long speech, because whatever I wanted to say I have already said in connection with the issue of constitutionality.

Mr. Deputy-Speaker: Enough has been said about this matter, both for and against. I will put it to the vote of the House.

An Hon. Member: But is it admissible?

Mr. Deputy-Speaker: I cannot take the responsibility of deciding it. It is a constitutional issue, which is for the House to decide.

The question is:

In page 1, after line 4 insert:

"1A. *Insertion of new section 2A, Act LXXX of 1951.*—After section 2 of the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act, 1951, the following section 2A shall be inserted, namely:—

'2A. *Authority to declare ancient monuments etc. to be of national importance.*—Government may by notification in the Official Gazette declare any archaeological site or remains or any ancient and historical monument as being of national importance, and on such declaration such archaeological site or remains or ancient monument shall be considered to be included in the Schedule of the Act.' "

The motion was negatived.

Clause 2.—(*Amendment of Schedule, Act LXXX of 1951*).

Shri Raghavachari (Penukonda): In the schedule I find that the coming into existence of the new State Andhra has been completely lost sight of and monuments which belong to the State have been put in another.

Mr. Deputy-Speaker: It is a technical or clerical error, which will be rectified.

Shri K. D. Malaviya: I have tried to rectify these things. I beg to move:

(1) In page 1, after line 21, add:

"ASSAM STATE

District Sadiya Frontier Tract

1. The stone boundary pillar of the Ahom period......Sadiya".

(2) In page 2,—

(i) after line 3, insert:

"*District Bijapur*

1. Inscriptions	...	Almel
2. -do-		Indi
3 -do-		Tambe
4. -do-	...	Salotgi"

[Shri K. D. Malaviya]

(ii) for numbers 1, 2, 3 and 4 in lines 5, 7, 8 and 10 substitute 5, 6, 7 and 8.

(3) In page 2, after line 17, insert:

"ANDHRA STATE

District Kurnool

1. Umamahesvaraswami Temple ..	Yaganti
2. Old Cave Temple ..	Yaganti
3. Nandavaram Temple including the Sculpture of Subrahmanya. ..	Nandavaram"

(4) In page 2, after line 21, insert:

"*District Muzaffarpur.*

2. Juma Mosque ... Hajipur"

(5) (i) In page 2, after line 30, insert:

"6. Khadsamla Caves....Nenavali"

(ii) In page 2, lines 31, 32, 34 and 35, for Nos. '6, 7, 8 and 9' substitute '7, 8, 9 and 10': and

(iii) In page 3, lines 3 and 10, for Nos. '10 and 11' substitute Nos. '11 and 12'.

(6) In page 3, for lines 4 to 8 substitute:

"(a) Ambarkhana

(b) Andhra Vav

(c) Dharma Kothi

(d) Naikinicha Sajja

(e) Teen Darwaja

(f) Wagh Darwaja

(g) Tatbandi together with bastions."

(7) In page 3, for lines 11 and 12 substitute:

"*District North Satara*

13. Jhabareshwar Mahadeo Temple ....Phaltan."

(8) In page 3,—

(i) omit lines 29 and 30; and

(ii) line 32 for No. "2" substitute No. "1".

(9) In page 3,—

(i) omit lines 33 to 37; and

(ii) lines 39 and 41 for Nos. '6 and 7' substitute Nos. '2 and 3'.

(10) In page 3,—

(i) after line 42, insert:

"*District Cuttack*

1. Churangarh Fort locally known as Sarangarh, excluding the area acquired by the State Government."; .... Dadhapatna.

(ii) line 44, for "1" substitute "2"; and

(iii) line 46, for "2" substitute "3".

(11) In page 3, after line 47, add:

"4. Churangarh Fort, excluding the area acquired by the State Government....Churanga Bhalunka Krishnanagar.

(12) (i) In page 3, after line 52, add:

"(c) in the entries under the heading 'Hyderabad State' and under the sub-heading 'District Raichur' the following entries shall be added at the end, namely:—

19A. Rock edicts of Asoka on two...Koqbal hillocks, known as Gavimath and Palkigundu.

19B. Rock edicts of Asoka ....Maski."

(ii) In page 4, in line 1 for "(c)" substitute "(d)".

(13) In page 4, after line 23, insert:

"(e) in the entries under the heading 'Mysore State' and after the entries under the sub-heading 'District Bangalore' and before entries under 'District Chitaldrug' the following sub-heading and entry shall be inserted, namely:—

'*District Bellary*

8A. Parvati and Kartikeya temples ...Kumaraswami betta, Sandur.'"

(14) In page 4, for line 37, substitute:

"(ii) entries 8, 10, 12, 14, 17, 20, 22, 23 and 24 shall be omitted;

(iii) after existing entry 15 the following entry shall be inserted, namely:—

'15A. Old Parsvanath Temple ...Miyani.' "

(15) In page 5, after line 19, insert:

"ORISSA STATE

District Mayurbhanj

1.	Prehistoric sites ..	Baidyapur
2.	—do— ..	Kuchai
3.	—do— ..	Kuliana
4.	Ruins of ancient fort..	Haripur."

As I said in some of these amendments, I have corrected the geographical boundaries which have resulted on account of the carving of the new State of Andhra. Then one or two deletions have been suggested, because they were not considered of national importance. The rest, as a result of investigations, we have found to be of importance to be declared objects of national importance. These are the three categories. Some have been found to be of national importance, and routine corrections have to be made because of the carving out of new States.

Mr. Deputy-Speaker: I will put to the vote of the House all these amendments (10, 11, 12, 14, 16, 17, 18, 19, 20, 22, 24, 26, 27, 28 and 29) the nature of which is to re-align those monuments which were originally in Madras but which are now in the Andhra State and to include certain others which have been discovered to be ancient monuments of national importance.

The question is:

In page 1, after line 21, add:

"ASSAM STATE

District Sadiya Frontier Tract

1. The stone boundary pillar of the Ahom period...Sadiya".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2,—

(i) after line 3, insert:

"*District Bijapur*

1.	Inscriptions ..	Almel
2.	—do— ..	Indi
3.	—do— ..	Tambe
4.	—do— ..	Salotgi"

(ii) for numbers 1, 2, 3 and 4, in lines 5, 7, 8 and 10 substitute 5, 6, 7 and 8.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2, after line 17, insert:

"ANDHRA STATE

District Kurnool

1.	Umamahesvaraswami Temple	... Yaganti
2.	Old Cave Temple	... Yaganti
3.	Nandavaram Temple including the Sculpture of Subrahmanya	... Nandavaram"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2, after line 21, insert:

"*District Muzaffarpur*

2. Juma Mosque ... Hajipur"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

(i) In page 2, after line 30, insert:

"6. Khadsamla Caves .. Nenavali"

(ii) In page 2, lines 31, 32, 34 and 35, for Nos. '6, 7, 8 and 9' substitute '7, 8, 9 and 10'; and

(iii) In page 3, lines 3 and 10, for Nos. '10 and 11' substitute Nos. '11 and 12'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, for lines 4 to 8 substitute:

"(a) Ambarkhana

(b) Andhra Vav

(c) Dharma Kothi

(d) Naikinicha Sajja

(e) Teen Darwaja

(f) Wagh Darwaja

(g) Tatbandi together with bastions."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, for lines 11 and 12 substitute:

"*District North Satara*

13. Jhabareshwar Mahadeo Temple ...Phaltan."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3,—

(i) omit lines 29 and 30; and

(ii) line 32 for No. '2' substitute No. '1'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3,—

(i) omit lines 33 to 37; and

(ii) lines 39 and 41 for Nos. '6 and 7' substitute Nos. '2 and 3'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3,—

(i) after line 42, insert:

"*District Cuttack*

1. Churangarh Fort locally known as Sarangarh, excluding the area acquired by the State Government....Dadhapatna."

(ii) line 44, for "1" substitute "2"; and

(iii) line 46, for "2" substitute "3".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, after line 47, add:

"4. Churangarh Fort, excluding the area acquired by the State Government....Churanga Bhalunka Krishnanagar."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

(i) In page 3, after line 52, add:

"(c) in the entries under the heading 'Hyderabad State' and under the sub-heading 'District Raichur' the following entries shall be added at the end, namely:—

19A. Rock edicts of Asoka on two hillocks, known as Gavimath and Palkigundu ...Kopbal.

19B. Rock edicts of Asoka ...Maski."

(ii) In page 4, in line 1 for "(c)" substitute "(d)".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 4, after line 23, insert:

"(e) in the entries under the heading 'Mysore State' and after the entries under the sub-heading 'District Bangalore' and before entries under 'District Chitaldrug' the, following sub-heading and entry shall be inserted, namely:—

'*District Bellary*

8A. Parvati and Kartikeya temples...Kumaraswami betta, Sandur.' "

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 4, for line 37, substitute:

"(ii) entries 8, 10, 12, 14, 17, 20, 22, 23, and 24 shall be omitted;

(iii) after existing entry 15 the following entry shall be inserted, namely:—

'15A. Old Parsvanath Temple... Miyani.' "

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 5, after line 19, insert:

"ORISSA STATE

District Mayurbhanj

1.	Prehistoric sites	..	Baidyapur
2.	Do.	..	Kuchai
3.	Do.	..	Kuliana
4.	Ruins of ancient fort	..	Haripur"

The motion was adopted.

Mr. Deputy-Speaker: What are the amendments, notice of which have been given, which the hon. Minister is accepting? Let me dispose of those amendments. He will give the numbers, hon. Members will kindly tick off in their list.

Shri K. D. Malaviya: Sir, the hon. Member Shri R. N. S. Deo gave notice of certain amendments. We have got them examined and we are prepared to accept a number of them.

Some Hon. Members: The mover is absent.

Shri Sarmah: May I request you to proceed State-wise?

Mr. Deputy-Speaker: Let me finish those amendments. It is not as if there must be a monument of national importance in every State.

Shri Sarmah: There are in every State.

Mr. Deputy-Speaker: Let me finish these amendments.

Shri Sarangdhar Das (Dhenkanal—West Cuttack): Whether the movers of the amendments are present or not, do you propose to take up those amendments if the Minister says he is prepared to accept them?

Shri P. Subba Rao (Nowrangpur): I have given notice of similar amendments.

Mr. Deputy-Speaker: If it is of national importance, nothing prevents the hon. Minister from moving them himself.

Shri K. D. Malaviya: Sir, I gave notice of certain amendments officially. Now there are hon. Members who want to move their amendments. They are welcome to do so. Some of the amendments of Shri R. N. S. Deo I am willing to accept.

Mr. Deputy-Speaker: Those are the only ones he accepts?

Shri K. D. Malaviya: Yes, Sir.

Shri Altekar: Sir, unless the other amendments are moved and the reasons given, how is it possible for him to accept or reject them?

Mr. Deputy-Speaker: I agree with the point of order. The scope of the Bill is that only those items which according to the Government are of national importance have been included here. It is open to any hon. Member to remove any of them from the list. I apply the same principle here as in the case of a taxation measure. Government takes the responsibility of bringing before the House what ought to be done. Any person can refuse to give his approval. These things have been investigated and decided upon. So far as the inclusion of other things are concerned it takes time to investigate. All monuments can be brought here, for that matter. It is not by way of amendment; it is by way of addition. Under those circumstances I

[Mr. Deputy-Speaker]

rule all the amendments for bringing in new monuments as out of order. (*Interruption*). That is why I say that if the Government accepts any of them as of national importance I will treat it as having been included as part and parcel of the Bill.

Shri Bhagwat Jha (Purnea *cum* Santal Parganas): Unless we move our amendments how will it be seen whether they are of national importance or not?

Mr. Deputy-Speaker: He has already indicated certain amendments as acceptable. Unfortunately the hon. Member who tabled those amendments is not here.

So far as the other amendments are concerned they are beyond the scope of the Bill in that they seek to make additions. There must be sufficient investigation on both sides. Government must investigate and come before the House. It may be a private Bill or a Bill by Government. But so far as these amendments are concerned they are foreign to the scope of this Bill.

Shri K. K. Basu (Diamond Harbour): On the facts that I can produce I can convince Parliament that some of those monuments are of national importance and that the amendments therefore are certainly within the scope of the Bill. It is not a question of Government being satisfied, but Parliament must be satisfied.

Mr. Deputy-Speaker: Hon. Members have not understood my point. My point is simply this, not that it is not open to a non-official Member to bring in a Bill saying "this is an ancient monument, it ought to be included in the list". It is one way. Government itself must do so. Let us assume that an hon. Member brings in a Bill saying that a particular ancient monument in Tanjore district or in Rajahmundry district in Andhra is of national importance and that therefore it must be included in the list. An hon. Member from Assam cannot bring an amendment to it saying "you add on this monument in Assam to it". That Bill is confined to that particular monument. You consider whether it is ancient or not and accept or reject it. It is not as if, when the Tariff Act is brought before the House for amendment with respect to one particular item, you can bring in all things under the Tariff Act. That is foreign to the scope of the Bill. That is my point; not that the House cannot decide. But it will be foreign to the scope of the Bill to include anything more. That is why at the outset I thought that if there is an agreement between the Government and the hon. Member, we can treat it as part of the Bill. Otherwise when there is a dispute and when Government has not accepted the others, I am not going to enlarge the scope of the Bill.

Dr. Ram Subhag Singh (Shahabad South): The hon. Member accepted yesterday....

Shri Sarmah: May I rise on a point of order?

Mr. Deputy-Speaker: Let me dispose of this.

Shri U. M. Trivedi: Sir, you have been pleased to say that this is a sort of introducing a new Bill by providing certain items. What is provided for in the Bill itself is amendment of the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act of 1951. What is said in clause 2 of the Bill is amendment of the Schedule. For an amendment of the Schedule an amendment can always be given. It is not as if a Bill has to be introduced for the purpose. We have to distinguish the two features. If a positive provision of law is sought to be amended, then certainly an amendment on that can be given. If you can move for a particular clause that some words may be added to it in one way or the other—"or" or "and" etc.—if that is allowable, here in clause 2 what is said is that in the Schedule to the Ancient and Historical Monuments and Archæological Sites and Remains Act. the following shall be added. And we have given the page number and line number wherein this may be inserted.

Mr. Deputy-Speaker: The hon. Member is an astute lawyer. He knows the difference between the addition of "and" and "or" and this matter. This is a matter of substance. One item is sought to be added as an item of national importance. The mind of the House is sought to be brought to bear upon this. Another hon. Member from another part of the country wants something else to be included. That is beyond the scope. I gave the analogy. If a private Member brings a Bill about Assam saying that a particular item ought to be included in the list is it open to the Member from Cape Comorin or Rajahmundry or a friend from Bombay or Cutch to say "this should also be included"? (*Interruption*). I find that the Schedule is an important part of the Bill. It is not a mere ancillary or auxiliary thing. It is a substantial one. The Bill is mainly the Schedule. The Schedule is sought to be amended by this amending Bill. Anything which is new on which the attention of the House has to be brought to bear is beyond the scope of the Bill. Therefore, all those amendments are ruled out of order.

Shri Bhagwat Jha: May I know if these amendments are ruled out of order. how those amendments which are going to be accepted are amendments?

Mr. Deputy-Speaker: You have accepted them. (*Interruption*).

These amendments are not amendments of substance. There are ancient monuments. This Bill deals with the question as to how far these items which are included as such in the list are of national importance. They are in particular places. Hitherto, they were in the Madras State. Now, some monuments have been allocated to the Andhra State. It is absolutely a consequential amendment and does not go into the merits of the case. That is a different matter.

Dr. Ram Subhag Singh: He just now mentioned some mounments in Madhya Bharat and Assam.

Mr. Deputy-Speaker: Two new things the hon. Members have accepted.

Some Hon. Members: No; they have not been accepted.

Shri S. S. More: According to your ruling, the amendment is beyond the scope of the Bill. (*Interruptions*).

Mr. Deputy-Speaker: Order, order.

Shri S. S. More: As per rules, even if the House accepts, it will not validate the amendment. As per your ruling, even if we have passed a particular amendment, it must be knocked out.

Shri Bhagwat Jha: Just now, you have given the ruling that the amendment...... (*Interruption*).

Mr. Deputy-Speaker: One at a time.

Shri Sarmah: I was also rising on a point of order. I could not shout and so I could not catch your ears.

Shri Bhagwat Jha: I am also on a point of order. Firstly, whether all the amendments that have been moved by an hon. Member of this House are to be regarded as amendments or not. If not, how an amendment in the name of an hon. Member who was not present was regarded as an amendment? Then, Sir, under the rules, I move an amendment to this Bill. Why this amendment of the Member who was not present was allowed to be moved.

Mr. Deputy-Speaker: They were not allowed.

Shri Bhagwat Jha: They were allowed.

Mr. Deputy-Speaker: Order, order. I have not allowed. In the case of any hon. Member who was not in the House, I did not allow that.

[Mr. Deputy-Speaker]

Regarding the amendments that have been moved by the hon. Minister, they are of two categories. One, in the nature of consequential amendments on account of the formation of the new State of Andhra.

Dr. Ram Subhag Singh: On a point of order, Sir,...

Mr. Deputy-Speaker: Order, order. The other was a substantial addition to the Schedule. So far as they are concerned, they have been accepted by the House. That is why I originally said that if both sides of the House accept to add any further items to the schedule, though it may be technically beyond the scope of the Bill, on agreement, I can include them. That is what I think. If hon. Members think that these two items ought not to be there, I have no objection.

Some Hon. Members: The whole House or individuals?

Mr. Deputy-Speaker: The whole House agreed to these two new things.

Shri Bhagwat Jha: No.

Mr. Deputy-Speaker: So far as the others are concerned, Government does not accept them.

Dr. Ram Subhag Singh: They would not be accepted. You have just now allowed these amendments of Maulana Azad, who is himself not present.

Shri K. D. Malaviya: May I make a statement, Sir, which will clarify the position?

Shri Sarmah: Before that, my point of order may be allowed, Sir. It is a humble one.

Mr. Deputy-Speaker: Let me hear the hon. Minister.

Shri Sarmah: I rise on a point of order. How can the hon. Minister interrupt? If you will please permit me, Sir, I shall raise it. But, before I come to my point of order, I must absolutely make it clear that I do not question the ruling of the Chair.

Mr. Deputy-Speaker: What is the point?

Shri Sarmah: I am a sufficiently disciplined parliamentarian to obey the Chair. The point of order is this. At an earlier stage of this debate, you were pleased to say while discussing Shri Gadgil's amendment that the amendments to the schedule are in order and admissible.

Mr. Deputy-Speaker: I did not say so.

Shri Sarmah: I speak subject to correction. Sir. You will find that......

Shri S. S. More: That means that you are revising your decision.

Shri Sarmah: When somebody raised the objection, you were pleased to say that if it is an amendment to the schedule, it is permissible and why should not the Government be delegated these powers to bring in other lists. At a subsequent stage, you have now been pleased to rule out all these amendments as out of order without hearing as to the merits of the amendments which have been declared to be out of order. Is it in order to declare them illegal without giving a hearing, knowing that the Chair has very large powers which have to be exercised judicially?

Dr. Rama Rao (Kakinada): On a point of order, Sir, Yesterday, Government were prepared to accept some amendments. Because that hon. Member was absent, you were not prepared to accept. The same reason was given to Shri P. Subba Rao.. (*Interruptions.*)

Shri P. Subba Rao: Amendments 59 and 62 of mine are similar.

Mr. Deputy-Speaker: Order, order. I am very sorry, today, unfortunately hon. Members—I do not know what has happened—every one of them is behaving in a manner which I have not noticed all these days at all.

Shri Sarmah: On a point of personal explanation, Sir,...

Mr. Deputy-Speaker: Order, order. I know hon. Members. It is improper that he should get up and speak when I am on my legs. What has happened today? Why are we wasting our time and emotions and ebullitions on this matter?

Shri S. S. More: That is the spirit of the House.

Mr. Deputy-Speaker: Hon. Members are aware that in the various sections suggestions are made. Shri S. S. More said that even with respect to those things which are included in the schedule, there must be given sufficient opportunity. That is right. That has been reiterated by the hon. Deputy-Leader of the Communist Party. That is why I suggested that in future, notifications may be issued so that hon. Members may know what exactly is the view of the Government and whether that ought to be accepted to be of national importance or not. So far as the present one is concerned, it has been there for a long time. If they wanted to make enquiries, they could have made enquiries. If the hon. Minister is willing to accept and include any of them in the schedule, I will overlook that question that it is beyond the scope of the Bill because it is agreed to by all sections of the House.

Shri S. S. More: You have to suspend the ruling.

Mr. Deputy-Speaker: I stated an analogy. Suppose an hon. Member brings a Bill about an ancient monument in Cape Comorin, and another Member from Assam says, add this also, that is entirely foreign to the scope of the Bill. Hon. Members are fully aware of that. Then, each Member arises on a point of order quite unusually. I am finding hon. Members are not co-operating with the Chair so far as this matter is concerned. I am extremely sorry to notice this today, particularly. If hon. Members think that that is their attitude to the Chair, I have no objection. Hon. Members may do as they like and I shall sit quiet. There is nothing on principle hanging over this matter. What has happened today may come up tomorrow. The hon. Minister may look into the matter leisurely. If he is willing to accept an item, I have no objection.

Shri S. S. More: You have to stick to your ruling.

Mr. Deputy-Speaker: I will stick to my ruling. The other things are all out of order. Now, the hon. Minister.

Shri Sarmah: On a point of personal explanation, Sir, you were pleased to remark............

Mr. Deputy-Speaker: I am not going to allow the hon. Member to speak again. I have heard sufficiently about this matter.

Shri Sarmah: On a point of personal explanation, Sir....

Mr. Deputy-Speaker: No. I know what the personal explanation is.

Dr. Rama Rao: You have not given your ruling on my point, Sir.

Mr. Deputy-Speaker: I have given my ruling on the point of order.

Dr. Rama Rao: The same amendments were proposed by Shri P. Subba Rao, but you took a different attitude.

Mr. Deputy-Speaker: At the time when the hon. Member was not there?

Dr. Rama Rao: Yes, Sir.

Shri P. Subba Rao: I have to make a submission, Sir.

Mr. Deputy-Speaker: That it was a similar amendment was not brought to my notice. Since exception has been taken by Shri S. S. More that even if they are accepted, still they are out of order, I shall stick to my view and I am not going to allow any more amendments.

Shri P. Subba Rao: I take exception to this, Sir. (*Interruption.*)

Mr. Deputy-Speaker: Order, order.

The question is:

> "That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Mr. Deputy-Speaker: The hon. Minister.

Shri K. D. Malaviya: I have nothing to say, Sir, except that if you will permit. I will make a brief statement explaining why....

Some Hon. Members: No explanation.

Shri K. D. Malaviya: If you will permit me, Sir, I will say just a word about...

Shri R. K. Chaudhuri (Gauhati): Nothing has been said on this side.

Shri K. D. Malaviya: I do not mind saying nothing, Sir. I beg to move:

> "That the Bill, as amended, be passed."

Mr. Deputy-Speaker: Motion moved:

> "That the Bill, as amended, be passed."

Shri K. P. Tripathi (Darrang): May I make a submission, Sir?

Mr. Deputy-Speaker: Submission at the Third Reading stage? I shall finish and then the hon. Member may make a submission.

Shri Sarmah: Now in the third reading we may have something to say. We may be allowed five minutes.

Shri K. P. Tripathi: One minute.

Shri Sarmah: May I speak?

Shri T. K. Chaudhuri (Berhampore): This has been pending for the last three sessions. We have not had our say.

Mr. Deputy-Speaker: He may speak.

Shri T. K. Chaudhuri: As I said just now, I have been literally chasing this Bill for the last three sessions, and although very eloquent things were said in this House about the value of our archæological monuments and their cultural and educational value, we have been treating this Bill and also the hon. Minister who has been piloting this Bill in the way that has been evidenced in the last few days. I do not want to cast any reflection on the House, but I have seen the hon. Minister standing in the queue and several Members who have submitted Amendments have also been standing at the tail end of the queue in order that they might find scope to put forward the claims of particular monuments and sites about which they have submitted Amendments.

I do not want to go into that question, but I want to draw the attention of the House to the fact that so far as the provincial Governments are concerned, although we have enpowered the States to legislate in regard to monuments not declared by Parliament by law to be of national importance, I think none of the States have up till now any Act corresponding to the Ancient Monuments Preservation Act of 1904, and local antiquarians in the various districts and States, and particularly those people who regard some particular monument with a great deal of sentiment, do not know whom to approach. When we approach the State Government, they say: "We have no such powers under the Ancient Monuments Preservation Act." There is the Ancient Monuments Preservation Act, but under an Amendment passed several years ago, now under this Act local Governments cannot declare any monument to be a protected monument. So, for the present although the Constitution refers us to the States, the States do nothing. They sit tight over it.

Shri Altekar: It is wrong. The Bombay Government has passed an Act for the preservation of archæological monuments.

Shri T. K. Chaudhuri: I am happy to note that, but Bombay is the only exception.

Shri A. M. Thomas (Ernakulam): No. no. Travancore-Cochin also.

Sardar A. S. Saigal (Bilaspur): Madhya Pradesh State Government has also passed an Act for the preservation of archæological monuments.

Mr. Deputy-Speaker: The hon. Member has evidently nothing more to say.

Shri T. K. Chaudhuri: Anyway, at least the State of West Bengal from which I come has no such law.

Mr. Deputy-Speaker: Are there not legislators there?

Shri T. K. Chaudhuri: I am not going into that.

Shri S. S. More: They are not interested in ancient things.

Shri T. K. Chaudhuri: The people of my district, Murshidabad, feel that there is one monument. I do not know the criterion laid down by the archæological department and the Ministry in this regard as to how they judge a monument to be of national importance. Some may be of outstanding archæological importance, some may be of outstanding aesthetic importance, some may be of outstanding cultural importance, but there are monuments which are of national importance from a political point of view. We have been urging on the Central Government for some time the necessity of bringing the residential house of Raja Nandkumar of hallowed memory who was the first martyr to British imperialism. There was some enquiry made, but that was such a farce of an enquiry about one house in his village home that was razed to the ground by earthquake and was no longer there. The Collector who was put in charge of the enquiry confused one thing with the other, and since then the whole thing has been hanging fire. We do not know where to go. The Archæological Department seems to think that that is of no archæological importance. Certainly it is not of archæological importance, but I would say and I think the majority in this House will agree that at least the association of Maharaja Nandkumar is of sufficient political importance to become a national monument.

There is another thing, an archæological site. About that the Archæological Department may be interested. I know many of the historians and antiquarians of Bengal have been interested in it. That was the site ...

Mr. Deputy-Speaker: Can we go into all these details? Each hon. Member has got the Question Hour. He can put a question, elicit some answers, pursue it, develop it and ask the Government.

Shri T. K. Chaudhuri: The question was put by no less a person than Mr. Arun Chandra Guha.

डा० राम सुभग सिंह : उपाध्यक्ष महोदय, आज मुझे इस बात से बहुत दुःख हुआ कि सरकार आज इस काबिल भी नहीं है कि इस बिल को जिस उद्देश्य से उस ने यहां पेश किया उस की पूर्ति इस पार्लियामेंट से करा ले। इस बिल का उद्देश्य था कि जो ऐतिहासिक महत्व के स्मारक हैं उन में और संशोधन किये जायं। लेकिन यह बहुत दुःख की बात है कि आज गैरसरकारी कोई भी संशोधन यहां मंजूर नहीं किया जा रहा है। इस से न केवल गैरसरकारी लोगों के व्यक्तिगत अधिकारों का हनन होता है, बल्कि सारे सदन के अधिकारों का हनन हो रहा है। मैं इस को निहायत अनफारचुनेट समझता हूं। सरकार को जरा होशियारी से काम करना चाहिये।

दूसरी चीज यह है कि अभी यह कहा गया है कि किसी भी ऐसे व्यक्ति का संशोधन यहां पेश नहीं किया जा सकेगा जो व्यक्ति यहां मौजूद नहीं है। लेकिन इस के विपरीत यह भी बहुत बड़ी चीज हो गई कि उस व्यक्ति के सभी संशोधन स्वीकार कर लिये गये जो

[डा० राम सुभग सिंह]

व्यक्ति यहां मौजूद नहीं है और जिन के नाम में ये संशोधन पेश किये गये थे । जो सरकार की ओर से इस विभाग के मंत्री हैं वह यदि यहां उपस्थित होते तो उन से, उपाध्यक्ष महोदय, हम यह सिफारिश करते कि कुछ संशोधन स्वीकार किये जायें । मुझे इस बात का दुख नहीं है कि मेरा संशोधन स्वीकार किया जाय या न किया जाय, क्योंकि मैं समझता हूं कि संशोधन के स्वीकार करने और न करने से उस चीज का कोई भी महत्व नहीं होता । जो कारनामें पुराने लोगों ने किये हैं और जो उन की कीर्ति है उन की वे कीर्तियां सदा बनी रहेंगी, चाहे उन का स्मारक इस में शामिल हो या न हो । लेकिन हम अपने यहां अपनी प्रजातांत्रिक परम्परा की नींव के लिये वह कीर्ति स्थापित कर रहे हैं कि आज इस बिल पर कोई संशोधन नहीं पेश करने दिया जाता । आज उस परम्परा, प्रजातांत्रिक परम्परा, का हम हनन कर रहे हैं जो इस सदन के सभी सदस्यों को क्रियान्वित करना चाहिये । हम को यही सब से बड़ा दुःख है कि हम अपने उस अधिकार को भी नहीं समझते कि पार्लियामेंट का कोई भी मैम्बर किसी भी बिल में संशोधन पेश कर सकता है । आज हम बहुमत के सामने झुक जायं, हमारी पार्टी बहुमत में है । लेकिन बहुमत की पार्टी के एक एक सदस्य को अपने अधिकार के लिये लड़ना चाहिये और बहुमत की पार्टी का जो मिनिस्टर है उस को भी चाहिये कि वह अपनी पार्टी और सरकार दोनों के अधिकारों को प्रजातांत्रिक ढंग से चलाने की कोशिश करें ।

Mr. Deputy-Speaker: Hon. Members always forget that there are certain subjects of which the provincial Government can take notice. In exceptional matters they may come to this Parliament. But for the fact that this has come before Parliament. I do not know how far individually they would have taken up the matter with their respective Governments.

डा० राम सुभग सिंह : यही मैं कहना चाहता था कि कुछ ऐसे भी विषय हैं जिनका सम्बन्ध केवल प्रान्तीय सरकारों से है, लेकिन यह उचित होता कि उन पर विचार किया जाता और वह पेश किये जाते और हमारे मंत्री महोदय बतलाते कि अमुक अमुक संशोधन हमारे अधिकार में नहीं हैं, इसलिये आप लोग उनको वापिस ले लें और हम लोग उन संशोधनों को वापिस लेने को तैयार भी थे और अगर वह वापिस न भी लिये जाते तो संसद् उनको अस्वीकार कर सकती थी । यही मेरा इलजाम है और यही बड़े दुःख और खेद का विषय है कि हमारे उस अधिकार को यहां कार्यान्वित नहीं होने दिया गया । दूसरे जो सैकड़ों संशोधन यहां दिये गये थे, उनमें से कुछ को मंत्री महोदय स्वीकार भी करने जा रहे थे, लेकिन उन संशोधनों को वह स्वीकार भी नहीं करा सके ।

Mr. Deputy-Speaker: Order, order. What is the use of complaining against hon. Members who are sitting by his side? What is the good of quarrelling with Government? When they were willing to accept, hon. Members raised an objection saying, oh, that man is not here, and did not even allow me to hear another hon. member who had tabled the same amendment. It is really something which we have never seen in the past. It is the misfortune of this Parliament, that we are seeing it now.

डा० राम सुभग सिंह : वही मैं अभी कह रहा था कि मान लीजिये वह मैम्बर महोदय मौजूद नहीं थे, लेकिन दूसरे मैम्बर थे और मंत्री महोदय उस सम्बन्ध में कुछ चीजों की स्वीकृति देने भी जा रहे थे, लेकिन उनको

ताकत नहीं हुई कि वह उस विषय पर आवें और न उन्होंने अपनी ताकत को एक्सरसाइज किया । मैं उपाध्यक्ष महोदय की रूलिंग के विरुद्ध कुछ नहीं कहना चाहता, लेकिन इस अधिकार को कार्यान्वित न कर हम लोगों ने प्रजातांत्रिक परम्परा को एक बहुत जबर्दस्त चोट पहुंचायी है ।

अब चूंकि कोई अमेंडमेंट पर बोलने की जरूरत नहीं है, मैं समझता हूं कि इस बिल को सरकार को वापिस ले लेना चाहिये, क्योंकि सरकार ने जिस उद्देश्य को लेकर इस बिल को यहां मौजद किया था, उस उद्देश्य की पूर्ति नहीं हो पा रही है और जब वे सभी सदस्यों को पूरा अधिकार देते हुए इस बिल को पास नहीं कराते, तब वह न अपने उद्देश्य की पूर्ति करेंगे और न इस संसद के उद्देश्य की पूर्ति करेंगे, और हमारी सारी परम्परा को खो डालेंगे । इस लिये मैं सरकार को चेतावनी देना चाहता हूं कि ऐसे मामलों में उसे विशेष सावधानी बर्तनी चाहिये और उसको पार्लियामेंट और उसके सदस्यों के अधिकारों की चाहे वह सरकारी दल के हों या गैर सरकारी दल के, रक्षा करने की चेष्टा करनी चाहिये । सरकार को सदन और उसके सदस्यों के अधिकार की रक्षा करते हुए ही किसी बिल अथवा कानून को पास कराना चाहिए और यदि वह ऐसा नहीं करती है, तो यह प्रजातंत्र का गला घोंटना है और उसका अर्थ डिक्टेटरशिप हो जाता है । डिक्टेटरशिप में यही तो होता है कि जो चाहें आप कर लें, जिस बिल को चाहे पास करा लें और जिसको चाहे नामंजूर कर दें, या जितना चाहें रुपया अपने लिये स्वीकृत करा लें । मैं तो कहूंगा कि इस बिल के अनुसार जितने भी संशोधन स्वीकृत किये जाते हैं और उन सबों के चलते जितने भी स्मारकों के लिये रक्षक रक्खे जायेंगे, अथवा जो कुछ भी आदमी भेजे जायेंगे, उन सभी चीजों के लिये पार्लियामेंट एक पैसे की भी स्वीकृति न दे । साथ ही मैं यह भी कहूंगा कि अब तक संसद का इस बिल पर विचार करने में जो समय लगा, इस पर विचार करने में सदस्यों का जितना वक्त जाया किया गया वह सब समय और रुपया बेकार जाया किया गया, क्योंकि उससे इस विधेयक के उद्देश्य की पूर्ति नहीं होती ।

अन्त में मैं और अधिक न कह कर सिर्फ इतना कहना चाहूंगा कि इस बिल पर दो दिन से बहस और विचार चल रहा है, यदि उससे इस बिल के उद्देश्य की पूर्ति नहीं हुई तो उसका अर्थ होगा गरीब करदाताओं के रुपये की हमारे द्वारा बर्बादी और इस हेतु हमें यह निश्चय करना है कि हम इस बिल के उद्देश्य को नष्ट न होने दें, अन्यथा हम लोग इस पर व्यर्थ बहस करके सिवाय गरीब करदाताओं का धन बर्बाद करने के और कुछ नहीं करेंगे ।

Mr. Deputy-Speaker: There seems to be an impression that any hon. Members can talk on any matter, as if they are the only persons who regard public wealth and morality. It is a very wrong thing. Again and again, that is being done, and thereby we are creating a wrong impression. The hon. Member is saying, what is wrong, and so on, and comes to his own conclusion. He cannot go on saying in an indirect manner, all right, you might have done this, this is all dictatorship, and so on. The hon. Member forgets that he is casting a reflection upon himself by saying that there is a dictatorship here.

श्री भागवत झा : उपाध्यक्ष महोदय, मैं आरम्भ में यह कहे बिना कदापि नहीं रह सकता कि जिस तरह से इस विधेयक को आज सभा में पास कराया जा रहा है, वह अनुचित अवश्य है । अभी २ आपने एक माननीय सदस्य को कहा है कि उनके कहने का ढंग ठीक नहीं था और गलत था, लेकिन मैं

[श्री भागवत झा]

समझता हूं कि इस सदन के हर एक सदस्य को अधिकार है कि वह जो भावना अच्छी समझता है उसको व्यक्त करे, और इस नाते में इस विषय पर जो महसूस करता हूं, वह मैं कहना चाहता हूं और मैं समझता हूं कि ऐसा करने में मैं अपने विदिन राइट्स हूं ।

इस विधेयक के सम्बन्ध में मुझे यह कहना है कि इस विधेयक के सम्बन्ध में हमने जो संशोधन पेश किये थे वह इसी सेशन में ही नहीं, बल्कि पिछले सेशन में भी हमने उनको पेश किया था और यह हमारे संशोधन आज के नहीं हैं बल्कि तीन महीने पहले दिये गये थे और मैं समझता हूं कि तीन महीने एक काफी लम्बा अर्सा है किसी सरकार के लिये कि वह इस बात की जांच कर सके कि जो संशोधन एक सदस्य ने दिया है, वह गलत है या सही, और इसलिये आज हाउस में यह कह देना कि हमारे पास समय नहीं है, यह बिल्कुल गलत और अनुचित है । दूसरे यह जो कहा गया कि एक मेम्बर कुमारी अन्तरीप से आता है और उसने आसाम के सम्बन्ध में कहा, मैं कहना चाहता हूं कि ऐसा उन का कहना बिल्कुल गलत है, न मैं कुमारी अन्तरीप से आता हूं और न मैं आसाम के बारे में कहता हूं, मैं तो उस विक्रम शिला के बारे में कहता हूं जिसका इतिहास आज का नहीं, बल्कि हजारों वर्षों का भारतवर्ष का इतिहास है । और जिसकी मिट्टी और दीवार आज भी उस वैभवशाली गौरवपूर्ण अतीत और इतिहास की याद दिलाती है । विक्रम शिला को मान्यता दिलाने के हेतु मैंने आज से तीन महीने पहले सरकार की सेवा में आवश्यक संशोधन पेश किया था, लेकिन सरकार को इस तीन महीने में इस संशोधन पर विचार करने और उसको एग्ज़ामिन कराने का समय नहीं मिला, और आज जब हम उस सम्बन्ध में बोलना चाहते हैं तो हमसे कहा जाता है कि आप विदिन राइट्स नहीं हैं और सरकार के पास इसके लिये समय नहीं है, लेकिन सरकार अगर चाहे तो वह किसी भी टूम्ब या किसी भी मस्जिद की ईंट को नेशनल इम्पार्टेंस का डिक्लेयर कर सकती है, लेकिन जब पार्लियामेंट का एक मेम्बर जिसके पीछे उसकी बात पर गम्भीरतापूर्वक विचार नहीं किया जाता और उसको नहीं माना जाता है, तो यह वास्तव में बड़ी आश्चर्यजनक बात है । चौदह लाख वोटरों का प्रतिनिधित्व है, मैं एक ऐसे निर्वाचन क्षेत्र से आता हूं जहां से मुझे चौदह लाख मतदाताओं की बैकिंग प्राप्त है, मैं जब विक्रम शिला के बारे में बोलता हूं, जिसका इतिहास मेरा आपका नहीं, बल्कि बहुत पुराना इतिहास है और जिसके सम्बन्ध में मैंने आज नहीं बल्कि तीन महीने हुए मंत्री महोदय की सेवा में निवेदन किया था, आज न तो मैं अपना वह संशोधन पेश कर सकता हूं और न ही हम सरकार से उसका उत्तर पा सकते हैं और न ही हम कुछ बोल सकते हैं, मैं समझता हूं कि यह एक बिल्कुल नावेल प्रोसीडयोर अख्तियार किया गया है । मैं जानता हूं कि सरकार के पास आर्किलाजिकल के बहुत से एक्सपर्टस हैं और वह इसके बारे में उनसे जांच कराकर निर्णय कर सकती थी और मैं तो यहां तक जानता हूं कि विक्रम शिला को नेशनल इम्पार्टेंस का करार देने की बात रेड टेप फाइल्स में मान ली गयी थी और उस कमेटी की रिपोर्ट में इसको माना गया था, लेकिन उस कमेटी की रिपोर्ट को इस हाउस के सामने नहीं रक्खा गया, मैंने चुनौती दी कि आप उस रिपोर्ट को हाउस के सामने रखिये, लेकिन वह सामने नहीं रक्खी गयी । इसके अलावा मैं आपका ध्यान एक बात की तरफ और दिलाना चाहता हूं । सरकार ने विक्रम शिला के चारों ओर की जमीन जो है उसको तो सुरक्षित किया है,

विक्रम शिला युनिवरसिटी को तो नेशनल इम्पार्टेंस का माना है, लेकिन साढ़े छः कट्ठा विक्रम शिला की जो ज़मीन उसके मध्य में स्थित है, उसके बारे में कहती है कि यह नेशनल इम्पार्टेंस की नहीं है, यानी आप यह कहना चाहते हैं कि वह जो चारों तरफ की सारी ज़मीन है वह सब विक्रम शिला है, लेकिन उसके बीच में जो टौप स्थित है, वह विक्रम शिला नहीं है। और इस पर जब हम आज आवाज़ उठाते हैं तो उपाध्यक्ष जी, हमसे यह कहा जाता है कि हम कुमारी अन्तरीप और आसाम के सम्बन्ध में बोलते हैं, इसके लिये मैं यही कह सकता हूं कि यह हमारा और सदन का दुर्भाग्य है। मैं समझता हूं कि हमने सरकार को इस पर सोचने और किसी निश्चय पर पहुंचने के लिये पर्याप्त समय दिया, हां जिन सदस्यों ने आज कल कहा है, उनके बारे में आप कह सकते हैं कि उन्होंने गलत कहा है और उनकी मांगों पर विचार करने का सरकार को समय नहीं मिला, लेकिन जहां तक मेरे संशोधन का ताल्लुक है, इसकी सूचना तो सरकार को तीन महीने पहले से है। मेरा पहला प्वायंट है कि हमने तीन महीने पहले सूचना दी, मेरा दूसरा प्वायंट है कि हमने जिसके सम्बन्ध में कहा है, वह कुमारी अन्तरीप या आसाम की बात नहीं है, तीसरे मैंने जो बात कही है, उसके सम्बन्ध में काफी जांच पड़ताल हो चुकी है, चौथी बात यह है कि इस सम्बन्ध में हम लोग सरकार के इस डिपार्टमेंट से एक वर्ष से नहीं बल्कि पांच वर्ष से लड़ते आ रहे हैं और उस इलाके की जनता ने एक २ पैसा जमा करके केसेज़ लड़े हैं, लेकिन आज क्या देखने में आता है। कल वहां पर बंगाल पौट्रीज़ नाम की एक कम्पनी आती है और वह कम्पनी वाले आज अगर सरकार को अप्रोच करते हैं कि वहां ज़मीन में चाइना कले है और वह उसको खोदना चाहते हैं, तो सरकार कह देती है कि यह नेशनल इम्पार्टेंस की चीज़ नहीं है, मैं समझता हूं कि आपकी यह नीति ठीक नहीं है और हमारे विरोध करने पर जो आप यह अचानक कह देते हैं कि आप एक्सपर्ट्स नहीं हैं, यह आपको कहना शोभा नहीं देता। बस मुझे इतनी ही बात आज कहनी थी, मुझे बहुत दुःख है कि इस गलत तरीके से इस बिल को पास किया जा रहा है।

मैंने तीन महीने पहले अपने ऐमेन्डमेंट की सूचना दी थी। मैंने काफी समय दिया मंत्री महोदय को सोचने का, लेकिन उस पर कोई विचार नहीं किया गया। इस लिये मैं प्रोटेस्ट के साथ अपनी कंसेन्ट देते हुए अपने भाषण को समाप्त करता हूं।

Shri Altekar: Sir, one chance should be given on this side.

Many Hon. Members *rose*—

Mr. Deputy-Speaker: Mr. Samanta.

Shri S. C. Samanta (Tamluk): Mr. Deputy Speaker, Sir, I am in a fix and I do not know what will be the procedure for giving amendments afterwards.

Sir, many things have been said. But I would request you to intimate the Ministry that at least those amendments which were given this time should be looked into. Sir, we people who are coming from the localities have some knowledge about the localities. We claim it. I tabled an amendment about a place which is not known now, but since the *Mahabharata* days. It was called Tamralipti and at present it is called Tamluk. I gave an amendment about it and I expected that by this time Government would have investigated about it, within this three months' time, and the Government should at least have informed me whether it is acceptable or not. Not only that. I gave a categorical statement to the hon. the Home Minister when he was the Governor of West Bengal. He kindly visited Tamluk and the Bargabhima temple which I am asking to be included in

[Shri S. C. Samanta]

the schedule. He was pleased with it. He may recommend it or may not recommend it. But a great antiquarian, William Hunter, in his Imperial Gazetteer, vol. IV, page 381 has said:

"Among the objects of noted..."

Pandit Thakur Das Bhargava: On a point of order, Sir.

Shri R. K. Chaudhuri: He is circumventing the rules.

Pandit Thakur Das Bhargava: We are now in the third reading. According to the rules whatever has been passed by way of amendments etc. can be debated in the third reading. But the third reading stage should not be utilised for the purpose of explaining amendments that have not been moved. I do not want to argue with the hon. Member. I do not want to say that his amendment was not important. But my humble submission is that at the third reading, we should not speak on matters which would have been relevant only if the amendments were moved, whether they were accepted or not. We should confine ourselves, according to the rules, to those matters only which have been moved and accepted.

Mr. Deputy-Speaker: Sitting in the Chair has become more and more a thankless task. I am finding it very difficult particularly now. I have not felt this difficulty all these months. Even when I say, 'no', hon. Members go on irrespective of all rules, and I have to go on allowing it. I am going to ask the Advisory Committee to do as it likes, and the Speaker also. That is my unfortunate position today. I find Member after Member doing this. I am really at loggerheads with Members about this. I do not know what to do. I am really seriously thinking of vacating in favour of some other hon. Member who may take charge. If I say one thing, every hon. Member thinks that I am standing in the way. I have to give some ruling. I do give it. Then hon. Members turn round and say all sorts of things. I would rather prefer to sit there and join hon. Members also in saying all this.. (*Interruptions*) instead of sitting here. Hon. Members must feel some sense.... (*Interruptions*).

Shri Bhagwat Jha: I protest against this.

Mr. Deputy-Speaker: He may protest. I also protest. What is the good of making protests like this. There must be a feeling of oneness in the House which I unfortunately find missing today. Every small thing, every ancient monument is important. It may be true. I intend to suggest that a motion might have been tabled for reference of this Bill to a Select Committee. Then every hon. Member might have placed all these matters before the Select Committee and the Government might have had an opportunity of considering all these matters—where there are monuments which are neglected. Some hon. Members have said that some of these have been given added importance unnecessarily. That kind of distinction also is being noticed by hon. Members. It is a very vexed matter. One hon. Member says that in respect of a particular monument sufficient attention has not been paid. But we have to bear in mind the scope of the Bill. All these could have been dealt with in the Select Committee, where hon. Members could have asked for information and the Government might easily have given information. Unfortunately, the Minister is not here; the hon. Deputy Minister is piloting the Bill on the floor of the House.

Shri K. D. Malaviya: If I am given an opportunity, I can speak with regard to every amendment that has been given notice of. (*Interruptions*).

Mr. Deputy-Speaker: Order, order. Under those circumstances, individual attention cannot be paid on the floor of the House to each and every item. It will be taking so much time of the House. The hon. Minister should have convened a conference of all those Members and satisfied them as to how these items are useful or necessary and also take information from them as to why from their point of view a particular monument is necessary to be declared of national importance. Then he could have got these examined through his officials and told them beforehand instead of dealing with each item on the floor of the House. Some such adjustment should have been made. So far as I am concerned, when an hon. Member says that he wants to be heard, I cannot say he ought not to be heard. That is my peculiar position. The Government also must accommodate. There is no good having this kind of bitter feeling and Members going away under the impression that what they are entitled legitimately to get from the Government was not forthcoming from the Government. I would have very much liked a Motion for reference of this Bill to a Select Committee earlier. Having regard to the fact that so many hon. Members are very much interested in this matter, I would have immediately put that Motion for reference to a Select Committee to the vote of the House. But unfortunately there is no such Motion, except an amendment to the original Bill itself that by notification they may be included. Even that I left to the House.

Now, let there be a calmer atmosphere prevailing. Honestly I feel that whatever is now hereafter going to be said relating to Tamluk or Vikramaditya—they are all very interesting and very useful also—is not relevant at this stage. If the House agrees with me, I will close it now. The hon. Member, Mr. Samanta, was asking—what is to happen? There is a new Committee that is appointed regarding Private Members' Bills. Tomorrow it is meeting. Every attempt is being made to give sufficient importance and bring those matters by giving them precedence. Nothing shall be wanting on my part to give such an opportunity on the floor of the House, and to get through those Bills—important non-official Bills. Hon. Members may bring in a Bill jointly or in groups from each State by way of amendment to the Schedule. It does not require the President's sanction and they may be included as monuments of national importance. That may be done. Let us see how it works. Government may consider them and accept them. Those Bills may even be taken as Government Bills; otherwise, they may be in the form of Private Members' Bills. I am only making a suggestion. Therefore, in future I expect that wherever there is any such matter requiring detailed enquiry into each item, the time of the House need not be taken. Automatically, it may be referred to a Select Committee and evidence may be taken. The Government might bring sufficient material and place it before the Committee and Members also might have an opportunity to consider it, and time of the House may not be taken. Generally each hon. Member wants to say that a number of monuments in his State has been taken into consideration.

Some Hon. Members: No, no.

Mr. Deputy-Speaker: That is what he wants to say.

Shri Altekar: May I make a suggestion?

Mr. Deputy-Speaker: Only reference to those amendments which have been included in the list must be relevant at this stage.

Shri Altekar: I am not speaking on any particular amendment, But I would like to make a suggestion or two.

Mr. Deputy-Speaker: Let Mr. Samanta conclude.

Shri S. C. Samanta: I have nothing more to say, Sir

Shri Gadgil: What is this switching on and switching off? It looks like an airport.

Many Hon. Members: We cannot hear, Sir

Shri S. C. Samanta: I would only say that the amendments that have been tabled should be taken into consideration. If the Government wants

[Shri S. C. Samanta]

any more information, we will be glad to supply more material also. With these few words, I resume my seat.

6 P.M.

Shri Raghavachari: I just wanted to speak on the third reading.

Shri Gadgil: This light coming and going should be stopped; our attention is completely distracted.

Mr. Deputy-Speaker: One other thing also I would appeal to the hon. Members. There is the Advisory Committee. Why not the leaders of groups anticipate all these things in the Committee? Why could not they consult their members and ascertain from them what time is necessary and urge upon the other members of the Committee what time they should like to have? I was also there on the Advisory Committee. Whatever maximum time was asked for was given. There I urged upon the leaders, 'You are agreeing to certain things here but it is for me to get things through'. Sometimes it so happens that the time allowed is insufficient and it falls on me to carry through. It is the responsibility of the party leader to see that the time taken by his group is not exceeded by an inch. Of course, it may be said that I have not allotted time for the various groups.

Shri H. N. Mukerjee: Since you have mentioned this matter, Sir, may I draw your attention to the fact that in the course of the debates certain things happen which cannot possibly be anticipated; for example, Sir, today all the noise which happened was due to circumstances which could not possibly be anticipated.

Mr. Deputy-Speaker: It is no noise.

Shri H. N. Mukerjee: There was a great deal of confusion, as you yourself suggested, Sir, and the Minister's behaving the way he has done, treating the House in a cavalier fashion, and adding to it....

Shri K. D. Malaviya: Sir, I protest. I was trying to stand up in order to explain the view of the Government. But there are some members who seem to be dissatisfied that their amendments have not been accepted.

Mr. Deputy-Speaker: I think there is no use apportioning the blame. There is nobody to blame; the subject itself is of such a nature. In renascent India, after we have got independence we are all anxious that we should have all our ancient monuments unearthed as far as possible and try to protect them. That is the desire of every citizen of India. They would like to add those things which have already escaped notice. Normally this will take a lot of time.

Now, there are 20 hon. Members who want to speak. If each of them is allowed 10 minutes in the third reading, how can I finish the second reading, third reading everything in 1½ hours? Therefore, let us close this matter now. Enough has been said about this matter.

Shri K. D. Malaviya: Will I be given an opportunity to speak for a few minutes?

Mr. Deputy-Speaker: I am asking the hon. Members to conclude and not to speak any more. Let us have another Bill in order to incorporate all the suggestions that I have made. I am even making a suggestion to the Government itself. Some hon. Members say they have been writing to the Government.

Shri K. D. Malaviya: Every one of them was examined. I have had talks with the hon. Members. They know it.

Shri Raghunath Singh (Banaras Distt.—Central): Sir, three months ago I moved an amendment which was the first amendment.

Shri K. D. Malaviya: Sir, I am very sorry that I have been the cause of dissatisfaction to some hon. Members of this House...

Several Hon. Members: No, to all.

Shri K. D. Malaviya: I wanted to give an explanation as to what happened about those amendments which have unfortunately been not tabled here. They have been left out because...

Mr. Deputy-Speaker: Why did you not inform them earlier?

Shri K. D. Malaviya: I have informed them earlier. If you give me a few minutes, I shall explain, Sir.

Mr. Deputy-Speaker: We are not going to conclude the debate if I allow every hon. Member to speak on this. I am only suggesting to the hon. Minister that he may bring in a Bill as early as possible, after examining all the amendments that have been tabled here, a comprehensive Bill and rectify any of the mistakes that might have crept into this.

With regard to the suggestions of hon. Members, I would suggest to the hon. Minister that wherever such suggestions are made, they must be gone into and the members intimated as early as possible. Some hon. Members have said that they had written 3 months before and they have not heard anything. That is all I have to say.

Several Hon. Members *rose*—

Mr. Deputy-Speaker: Every hon. Member will kindly bear with me today. Let them have their chances for a future occasion.

श्री के० डी० मालवीय: मुझे अफसोस हूँ कि मेरे कुछ माननीय मित्रों ने मुझे सुनमे से पहले ही मुझे कनडैम कर दिया।

Mr. Deputy-Speaker: The hon. Minister must try to satisfy all hon. Members.

Shri K. D. Malaviya: I will speak in English, Sir. I have only to make a very brief statement in explaining a certain misunderstanding which has crept in unfortunately by my silence and because of confusion. If, in the ordinary course, every amendment had come up before the House and every hon. Member had stood up to speak and said what he had to say over it, I would have said what I had to say. Unfortunately, these amendments did not come before the House and therefore I did not get that opportunity to speak on them. Otherwise, I am quite sure I would have satisfied all the hon. Members who are angry with me. (*Interruption*)

Sir, I hope, I will be allowed to speak. If I am allowed to speak I will satisfy some of the hon. Members who are very much displeased. I only want a few minutes indulgence.

I will attempt, Sir, very briefly to explain why we are accepting some of them to be declared as of national importance and rejecting many of them. A majority of them came to us too late. It was not possible for us to examine them from all points of view and therefore we only noted them as to be investigated. If the department considers them to be objects of national importance we will take them up in the next amending Bill. That is why I said this is a routine amending Bill.

For instance, my friend Shri Bhagwat Jha gave notice of certain amendments some time ago. We got them examined and as a result found that most of the amendments were accepted in the Act of 1951. His only dissatisfaction is with regard to the top of the Hill known as Bateswar Hill. (*Interruption*) He is concerned with the top only. The Archæological Department have examined it in consultation with the State Government and the view was that this portion may not be declared an object of national importance. The Bengal Pottery Company entered into an agreement with the State Government and they are in possession of that portion now. If today, on the advice of my hon. friend, and without considering all aspects I accept it as an object of national importance, I do not know what will be the real position. We may have to pay huge compensation. Therefore, because he desires it, we will again have it examined along with the State Government. If the Central Government and the State Government agree that it should be declared as an object of

[Shri K. D. Malaviya]

national importance, I give him the assurance that we will include it in the next list.

Shri Gadgil: May I ask one question?

Shri K. D. Malaviya: Dr. Ram Subhag Singh also had some talk with me. He was very particular about Babu Kunwar Singh's palace. I am personally of the view that this should be included in the schedule. But even that was not examined from that point of view. The whole of the building is not there—in fact, there is nothing. New buildings have been erected, and only the site remains and some *lakhori* walls stand. The question whether the whole building site including the new building that has been built has to be declared as of national importance has to be considered—whether the entire building and the site and those that are left from the previous days—all to be declared and included in the schedule. That also requires some investigation Therefore, this too could not be taken in the schedule.

There were some other amendments for inclusion in the schedule which I considered of sufficient importance. But now, those things also could not be taken because the investigation was not complete. A majority of them, I am afraid, cannot be accepted, because we do not consider them to be of sufficient national importance, and of course, I know, and I share the anxiety of hon. Members that each one of them, coming from their own constituencies, is, as they would like to include, a place of historical or archælogical importance in the list. They wanted them to be included in the schedule, but perhaps, in our judgment, we think that all of them are not relevant to this schedule. We cannot accept most of them. Now, my friend Mr. Dhulekar stands every time. The Jhansi Rani Place has been mentioned. That palace has been in the possession of the State Government. There is a *kotwala* there. Without giving proper notice we cannot ask the State Government to vacate it, so that we might just include it in our list.

An Hon. Member: You have powers.

Shri K. D. Malaviya: I know we have powers. But they should not be misused. We must write to the State Government. The State Government have not yet agreed to vacate the building. Perhaps they have not got another building. The moment we get the building, we would declare it an object of national importance but, today, we cannot include it in this Bill.

With regard to Mr. Samanta's amendment, we got it examined and the expert opinion says that the temple is not worthy of protection. We have got the opinion of the experts, and therefore, I am unable to accept the proposal made by him.

Similarly, there are so many amendments, Sir. As I said, they are of three categories. One, we cannot accept, because they are not of any national importance; second, we are investigating, and the third which could be included in the list but there are certain difficulties. This is all that I wish to say. I hope I have satisfied the hon. Members.

Shri K. P. Tripathi: I want to make a request to the Minister through you. The request is this: yesterday, I met a gentleman from Thailand. He came for a conference. After the conference he went to the Buddhist places here. He found it was very difficult to approach the Buddhist places and he asked me to convey the request to the hon. Minister that if the approaches to the places of pilgrimage of the Buddhists are improved and better transport facilities are given, then, possibly ten times the number of people may come to this country than at present. They think that India is the mother so far as Buddhists all over the world are concerned. The number of Buddhists all over the world is large. Therefore, if these facilities are given, then the number of Buddhist pilgrims will go up to large numbers. India has become the political centre of South-East Asia, but it is very little realised that India is also the home of Buddhists all over the world and is a place of Buddhist pilgrimage. It is from this point of view that I have the honour to convey the request of the Thai gentleman to the hon. Minister through you, Sir.

Pandit Thakur Das Bhargava: You said that a new Bill should be brought so that all these amendments may be considered.

Shri K. D. Malaviya: It will come as early as possible.

Mr. Deputy-Speaker: He has given that assurance. In the meanwhile, every hon. Member may write to the hon. Minister.

The question is:

> "That the Bill, as amended, be passed."

The motion was adopted.

MANIPUR COURT-FEES (AMENDMENT AND VALIDATION) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

> "That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, be taken into consideration."

Sir, after the excitement on the previous Bill, the House may be tired. I will finish my Bill very soon, and it is a Bill on which practically nothing has to be said. The House is aware that the Court-fees Act of 1870 is a Central Act. When the State of Manipur was taken over in 1950, the central Act was extended to Manipur. At that time it was overlooked that the central Act has been varied and amended by the Assam Act, and the Assam (Amendment) Act was enforced in Assam and so automatically put into force in Manipur also, because Manipur is close to Assam. Afterwards, it was discovered that the rate in the Assam Court-fees Act was a little higher than in the old Court-fees Act of 1870. The object of this Bill, as it would appear from the statement of objects and reasons, is to make the Assam Act enforceable in Manipur as from the date of the passing of this Act and to give this Bill retrospective effect so that the charges made during the last three years may be regularized.

I may once more repeat that in Manipur, practically most of the legislation enforced in Assam is already enforced, and therefore this mistake arose. Therefore, I request the House to take this Bill into consideration and subsequently to pass it.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950 and to validate the levy of court-fees in certain cases, be taken into consideration."

Shri K. K. Basu (Diamond Harbour): I would like to enquire of the hon. Home Minister one thing. He says it was something of a soothing Bill and wants to have it passed. What happens to those persons who have paid court-fees at lower rates? Has it to be given retrospective effect?

Mr. Deputy-Speaker: Hon. Members must maintain the quorum.

Several Hon. Members: There is quorum.

Shri K. K. Basu: Normally, Sir, if court-fees are paid at a lower rate, it is recovered later. You are giving it

[Shri K. K. Basu]

retrospective effect. Under the normal law, if anybody pays court-fees less than is allowed by the law, he has either to pay a penalty or no action is taken. Since that position has been made clear by this retrospective effect, I think this retrospective effect will bring in much more complications which will result from indifference and to some extent inefficiency of the department. It is not for the people to know that this Assam Act was hitherto applicable. Unless the hon. Minister assures us that these persons who actually followed the law of the land hitherto, which was also faulty in a particular place, have paid at lower rate they should not be penalised.

Dr. Katju: On a point of information I may say that as from the very inception, namely, April, 1950, everybody, officers, non-officers, litigant public, courts, were under the impression that the Court-fees Act, as amended in Assam, was enforced in Manipur, and therefore, if any one has paid a lower court-fee, lower than the central court-fee, he would not be asked to pay surcharge at any other time. The object of this Bill is to make the Assam Court-fees Act enforceable. There is no question of any difficulty.

Shri K. K. Basu: So, as you say, whether they were litigants, officers, etc., or not, they were under the impression that the Central Court-fees Act, as amended by the Assam Act, is applicable to Manipur. You are actually collecting at the rate which under the old law you are not authorized to collect. You want to regularize it?

Dr. Katju: The only thing is that the Assam Act is considered to be enforced as it has been by popular acclamation, considered to be enforced as from April, 1950. It is an Act coming into operation today, to regularize the position from tomorrow.

Shri U. M. Trivedi (Chittor): One point has not been answered by the hon. Home Minister. What will happen in those cases where lower court-fees have been paid already? And then, the litigation is still pending—let us suppose so. Litigation is not yet finished. If an objection is raised that the suit is not now maintainable, because court-fees at a lower rate has been paid, what provision you are going to place on this account? What provision are you going to make about such cases where a lower court fee has been paid?

Dr. Katju: May I intervene once again and say that there is no question of payment of a lower rate or higher rate. Everybody has paid ever since 1950 court fee at the rate prescribed in the Assam Court Fees Act. No one has paid court fees as prescribed in the Central Court Fees Act of 1870. The position is this. If any lower rates have been paid there will be no question of any further charge. Hon. members would notice that we are not making any Court Fee Act here, prescribing any rates. We are just regularising the Assam Court Fees Act. There is no danger which Mr. Trivedi has in mind.

Shri K. K. Basu: You are regularising illegal collections.

Dr. Katju: You may put it that way, if you choose.

Mr. Deputy-Speaker: The question is:

> "That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments.

Clauses 2 and 3 were added to the Bill.

Clause 1.— (*Short title and extent*)

Dr. Katju: I beg to move:

In clause 1, *for* "1952" *substitute* "1953".

Mr. Deputy-Speaker: The question is:

In clause 1, *for* "1952" *substitute* "1953".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

> "That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

> "That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

> "That the Bill, as amended, be passed."

The motion was adopted.

TELEGRAPH WIRES (UNLAWFUL POSSESSION) AMENDMENT BILL —*contd.*

The Deputy Minister of Communications (Shri Raj Bahadur): I beg to move:

> "That the Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

Sir, this Bill is based on our experience of the working of the main Act, the Telegraph Wires (Unlawful Possession) Act, 1950. This measure was passed when a serious situation developed as a result of large scale thefts of telegraph wires. They were copper wires which were costly ones. As a matter of fact the price of copper rose highly and therefore these thefts became all the more prevalent. To meet that situation we passed that Act in 1950. But it came to our notice that in the interpretation of the relevant section, section 5, the courts held that Government had to prove in every instance that the wires which were reported to be stolen property were the property of the Posts and Telegraphs Department. It became very difficult for us to do so, because large quantities of such wires were sold by disposals. Hence the very purpose with which this Act was passed came to be frustrated. Therefore, it has been proposed in this Bill that the onus of proving that the copper wires (of certain gauges mentioned in the Bill) were not the property of the Posts and Telegraphs Department will lie on the person found in possession of these telegraph wires. That is the simple purpose with which the Bill is moved. The other provisions are consequential.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

Shri Dhulekar (Jhansi Distt.—South): Sir, I wish to seek one clarification from the hon. Minister. I would like to know whether copper wires of the gauge mentioned in the Bill were at any time sold by the Disposals or any other Government Department to anybody?

Shri Raj Bahadur: Those wires are of particular gauges. Under the original Act we gave an opportunity to persons in possession of this type of wires to declare them by a particular date. We also gave them some time to get them converted into in-

[Shri Raj Bahadur]

gots. If anybody is now found in possession of copper wires of that particular gauge prescribed in the Bill, he should be held guilty.

Shri U. M. Trivedi (Chittor): Is this Bill merely meant to recover 47,000 lbs. of copper wires which was stolen from the Posts and Telegraphs Department?

Shri Raj Bahadur: This has nothing to do with it: it is based on our experience of the working of the main Act.

Shri U. M. Trivedi: What Government attempts to do by amendment to Section 5 of the original Act is to set at naught the well recognised principle of law by the deletion of the words: "which the court has reason to believe to be, or have been the property of the Posts and Telegraphs Department of the Central Government." In other words, whoever is found in possession of this particular gauge of wire will be taken to be a thief. Mere possession will, *ipso facto*, mean that the person is a thief.

Can Government tell us that this wire is not obtainable anywhere else and nobody can indent for it?

Shri Raj Bahadur: That goes without saying. As a matter of fact this particular type of wire of the gauge prescribed in the Billl is not used for any other purpose except telegraphic purposes.

Shri U. M. Trivedi: Can it be purchased or indented locally?

Shri Raj Bahadur: Under the original Act we gave opportunity for anybody in possession of this type of wire to declare them and get it converted into ingots. So, it is expected nobody is in possession of it; with the exception of only the Posts and Telegraphs Department. So, anybody who is now found in possession of this gauge of copper wire should be held to be guilty.

Shri U. M. Trivedi: Is it importable or not?

Mr. Deputy-Speaker: What the hon. Minister says is that even an importer will be held to be in unlawful possession.

Shri Raj Bahadur: The Bill itself says that if anybody wants to be in possession of such wires, he can do so only with the permission of the prescribed authority.

Shri R. K. Chaudhuri (Gauhati): During war-time a lot of these wires was disposed of. Certain American officers gave certificates which ended in the acquittal of certain persons who had been proceeded against.

Shri K. K. Basu (Diamond Harbour): I would like to know for clarification whether such types of wires, even if they are imported under license, can be sold in the open market and any private individual can legally purchase it or be in possession of it? We would also like to know whether in recent times there have been thefts only of wires of this gauge. The Minister's speech does not explain these things.

Shri N. B. Chowdhury (Ghatal): Sir, in regard to new Section 4A it has been stated that no sale or purchase of this wires can be effected without the authority of the Government. Yet, the point remains that there was a lot of copper wires which were sold through disposals during war time, and people may be in possession of them. While we realise the necessity of drastic measures so far as thefts by individuals as well as organised gangs are concerned, a lot of such thefts have been committed in many parts of the country, particularly in the States mentioned in the Statement of Objects and Reasons.

Another thing I want to point out: A fundamental principle of justice is also involved in the Bill. So, that question also has to be considered.

We all appreciate that because the copper wire which is of a very high standard is very costly and the price has gone up, so far as we know, by about 600 per cent during the last few years, this has to be protected. But at the same time the question is whether it would be proper to place the onus of proving innocence on the person in whose possession it may be found. It is always the duty of the prosecution to prove the guilt. This amending Bill which seeks to amend section 5 of the principal Act places the onus entirely on the accused. In a democratic set-up I do not think that this principle of jurisprudence would be given the go-by, namely of the onus being on the prosecution to prove the guilt.

Sir, I have something more to say.

Mr. Deputy-Speaker: On the clauses?

Shri N. B. Chowdhury: Generally also.

Mr. Deputy-Speaker: Very well. The House will now stand adjourned till 1-30 p.m. tomorrow. The matter will be continued.

The House then adjourned till Half Past One of the Clock on Friday, the 4th December, 1953.